

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

JUNE 16, 2021

CHIPPEWA COUNTY COURTHOUSE, RM 302

4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Dean Gullickson	Chippewa County	District 7 (Chair)	Present	
Harold Steele	Chippewa County	District 1 (Vice-Chair)	Present	
Glen Sikorski	Chippewa County	District 2	Present	
Ken Schmitt	Chippewa County	District 3	Present	4:36 PM
Don Hauser	Chippewa County	District 6	Present	
James Pingel	Chippewa County	Citizen Rep	Present	

Agency staff present throughout the meeting were R. Scholz (Co. Admin.), T. Pauls (Corporation Counsel), K. Clow, M. Hansen, K. Klingberg, D. Masterpole, R. Yohnk, and J. Schemenauer - Recorder (LCFM).

Members of the public, as identified, were L. Danielson, B. Panzer, and P. Popple.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

P. Popple addressed the Committee and provided written comments (on file). She noted that the DNR will be holding an informational hearing to seek public comments on a proposal to amend the WI Pollutant Discharge Elimination System (WPDES) Storm Water Permit for non-metallic mines.

4. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Glen Sikorski, District 2
SECONDER:	Don Hauser, District 6
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

1. Approve the agenda
2. Approve the Minutes
3. Land Conservation & Forest Management Committee - Regular Meeting - May 19, 2021 4:30 PM
4. Schedule next meeting date - July 21, 2021

5. PUBLIC HEARING TO SOLICIT COMMENTS ON ORDINANCE TO REPEAL AND RECREATE ARTICLE IV, DIVISION 3 OF CHAPTER 62 OF THE CHIPPEWA COUNTY CODE OF

Land Conservation & Forest Management Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

June 16, 2021
4:30 PM

ORDINANCES, DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

1. Overview of Agricultural Performance Standards, Manure Storage & Livestock Facility Management Ordinance

D. Masterpole presented an oral report. The report was supported by the following materials:

1. Power Point report titled: Overview of Agricultural Performance Standards, Manure Storage & Livestock Facility Management Ordinance, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached).
2. Public hearing draft titled: Ordinance to Repeal and Recreate Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances, Agricultural Performance Standards, Manure Storage and Livestock Facility Management, (5/20/21 - Distributed 6/10/21 - copy on file & attached).

Staff addressed questions.

2. Open Public Hearing.

Motion to open the meeting to public hearing: Hauser/Sikorski. Motion carried. The public hearing opened at 4:53 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Hauser, District 6
SECONDER:	Glen Sikorski, District 2
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

3. Public Comment.

The following individuals provided verbal testimony for the hearing record: B. Panzer and L. Danielson.

B. Panzer provided written comments on the proposed ordinance, as submitted from himself and from the Chippewa County Chapter of the WI Farm Bureau (copies on file).

4. Close Public Hearing.

Motion to close the public hearing: Schmitt/Steele. Motion carried. The public hearing was closed at 5:03 p.m.

A transcript of the verbal and written comments will be prepared, posted, and provided to the Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Schmitt, District 3
SECONDER:	Harold Steele, District 1 (Vice-Chair)
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

6. REPORTS

Land Conservation & Forest Management Committee

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4:30 PM

1. Overview of Canoe Portage Trail CIP Project; Status Update - M. Hansen

M. Hansen presented an oral report. The report was supported by a report titled: Report on the Status of Development of the Chippewa County Forest Canoe Portage Trail Project - 6/16/21, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached).

Concern was expressed that the aerial extent and length of the canoe portage trail, including the number of lake connections, had been scaled back and was not consistent with the original vision of the project, as discussed and planned.

There was general discussion. Discussion focused on:

1. The value of the project.
2. The planning that had been conducted.
3. The physical geography and associated trail constraints.

There was general agreement that the canoe portage trail be placed on a future agenda, with a request to have the project consultant available to review route options and work conducted to date.

2. Overview of Process to Advance Revised & Amended Non-Metallic Mining Reclamation Ordinance Under NR 135.45; Status Update - D. Masterpole

D. Masterpole provided an oral report. He informed the Committee that outside legal counsel has conducted an initial review of the proposed changes, and that a formal submittal is now being prepared for DNR review under NR 135.45.

There was limited discussion. Discussion focused on:

1. The process and schedule for advancing the ordinance revision.
2. The value of holding a public hearing on the proposed ordinance revisions.

7. BUSINESS ITEMS

1. Consider Request to Authorize Orienteering Permit in County Forest - M. Hansen

M. Hansen presented an oral report. The report was supported by the following materials:

1. Agreement titled: Chippewa County Forest Special Event Permit and Agreement, (Distributed 6/10/21 - copy on file).
2. Map titled: Exhibit A - Tentative Race Map 2021 MNOC Adventure - O. (Distributed 6/10/21 - copy on file & attached).

There was limited discussion.

Motion to approve the permit and agreement (as presented): Steele/Sikorski. Motion carried.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Harold Steele, District 1 (Vice-Chair)
SECONDER:	Glen Sikorski, District 2
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

2. Consider 2022 LCFM Fee Schedule - D. Masterpole, M. Hansen, & R. Yohnk
Motion to postpone the 2022 Storm Water Fees, until further information is available: Sikorski/Steele.
Motion carried.

D. Masterpole, M. Hansen, and R. Yohnk presented and the Committee reviewed the following materials:

1. Table titled: Department of Land Conservation and Forest Management Recycling Division, 2022 Fee Schedule, (LCFM 6/16/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the proposed 2022 fees for the Recycling Division.
2. Table titled: 2022 Fee Schedule, Animal Waste Ordinance Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for services administered in support of the Chippewa County animal waste ordinance.
3. Table titled: 2022 Fee Schedule, General Service Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for services administered in support of general Land & Water Conservation Division programs.
4. Table titled: 2022 Fee Schedule, Non-Metallic Mining Reclamation Ordinance, Plan Review Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for non-metallic plan review and initial permit administration.
5. Table titled: 2022 Fee Schedule, Non-Metallic Mining Reclamation Ordinance, Annual Permit Fees, (LCFM 5/28/21 - Distributed 6/10/21 - copy on file & attached). The schedule lists the current 2021 and the proposed 2022 fees for annual non-metallic mine reclamation program services and administration.

Motion to add the \$5.00 firewood fee (to the General Service Fees schedule): Steele/Schmitt. Motion carried.

Motion to approve all (presented fees) as discussed: Sikorski/Hauser. Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Glen Sikorski, District 2
SECONDER:	Don Hauser, District 6
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

8. AGENDA ITEMS FOR FUTURE CONSIDERATION

Land Conservation & Forest Management Committee

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Future agenda items requested by the Committee are as follows:

1. The joint storm water management plan with the municipalities.
2. A report by Busy B Consulting on the Townline - Knickbocker canoe portage project.

9. ADJOURN

Motion to adjourn: Schmitt/Steele. Motion carried at 6:26 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ken Schmitt, District 3
SECONDER:	Harold Steele, District 1 (Vice-Chair)
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

MAY 19, 2021

WEBEX CONFERENCE CALL

4:30 PM

DUE TO THE COVID-19 PANDEMIC, THIS MEETING IS BEING HELD VIA CONFERENCE CALL TO COMPLY WITH SOCIAL DISTANCING GUIDELINES. IF YOU ARE A MEMBER OF THE PUBLIC AND WISH TO SPEAK, PLEASE CALL THE DIAL IN NUMBER AND THE COMMITTEE CHAIR WILL ACKNOWLEDGE YOU AT THE APPROPRIATE TIME ON THE AGENDA.

IF YOU NEED TO EITHER MUTE OR UNMUTE YOURSELF DURING THE MEETING, PRESS *6.

MEETING PHONE NUMBER: 1-415-655-0001

MEETING NUMBER (ACCESS CODE): 1825 84 7369

MEETING PASSWORD: 65789272

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Dean Gullickson	Chippewa County	District 7 (Chair)	Present	
Harold Steele	Chippewa County	District 1 (Vice-Chair)	Present	
Glen Sikorski	Chippewa County	District 2	Present	
Ken Schmitt	Chippewa County	District 3	Present	
Don Hauser	Chippewa County	District 6	Present	
James Pingel	Chippewa County	Citizen Rep	Present	

Agency staff present or attending remotely at times throughout the meeting were R. Scholtz (Co. Admin.), T. Pauls (Corporation Counsel), D. Hutchison (DNR), K. Clow, M. Hansen, K. Klingberg, J. Larson, D. Masterpole, and J. Schemenauer - Recorder (LCFM).

Members of the public, as identified, attending remotely at times throughout the meeting were C. Kaiser, P. Popple, and D. Staber.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

P. Popple addressed the Committee and provided written comments. She noted that the DNR is seeking public comment on proposed non-metallic mine reclamation plan guidance, with comments due 5/28/21.

D. Staber addressed the Committee. He thanked the Committee for putting the storm water program matter back on the agenda.

4. CONSENT AGENDA

Minutes Acceptance: Minutes of May 19, 2021 4:30 PM (Consent Agenda)

Land Conservation & Forest Management Committee

Minutes
Regular Meeting

Webex Conference Call

May 19, 2021
4:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Glen Sikorski, District 2
SECONDER:	Harold Steele, District 1 (Vice-Chair)
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

1. Approve the agenda
2. Approve the Minutes
3. Land Conservation & Forest Management Committee - Regular Meeting - Apr 21, 2021 4:30 PM
4. Schedule next meeting date - June 16, 2021

5. REPORTS

1. Overview of LCFM 2021 Annual Work Plan; Chippewa Falls Urban Area Storm Water Management Program - D. Masterpole & K. Clow
D. Masterpole presented an oral report. The report was supported by the following materials:

1. Spreadsheet work plan titled: 2021 Annual Work Plan; Chippewa Falls Urban Area Storm Water Management Program, (LCFM 4/5/21), (Distributed 5/13/21 - copy on file & attached).
2. Map titled: Chippewa County Stormwater Facilities and Outfalls Inspected in 2020, (LCFM 3/31/21), (Distributed 5/13/21 - copy on file & attached).
3. Document titled: Chippewa County 2020 Storm Water Program Management Narrative, (LCFM), (Distributed 5/13/21 - copy on file & attached).
4. Table titled: Summary of Core Responsibilities of Cooperating Municipalities and Agencies Under the Joint Permit and Associated Stormwater Management Program, (LCD 6/6/07), (Distributed 5/13/21 - copy on file & attached).

D. Masterpole provided a summary of the assumptions applied in conducting a fiscal analysis of the Chippewa Falls Urban Area Storm Water Program. These assumptions were made to provide best estimates of the County's current program costs and to estimate how much it may cost to meet the County's WPDES obligations, working independently from the municipalities.

There was general discussion. Discussion focused on:

1. The elements of the 2021 annual work plan for the Chippewa Falls Urban Area Storm Water Management Program and associated activities that are now scheduled.
 2. The public costs of administering the Chippewa Falls Urban Area Storm Water Management Program, (historic and anticipated), as incurred by the municipalities and County departments.
 3. Best approaches toward program budgeting, and methods for tracking time and program costs.
2. Overview of 2021 Water Quality Initiatives; Project Status - D. Masterpole & K. Klingberg

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D. Masterpole and K. Klingberg presented an oral report. The report was supported by a Power Point report titled: Overview of 2021 Water Quality Initiatives; Project Status, Chippewa County LCFM Committee 5/19/21, (Distributed 5/13/21 - copy on file & attached).

There was general discussion.

6. BUSINESS ITEMS

1. Review Summary of Spring 2021 Timber Sale Bids and Award Contracts - M. Hansen

M. Hansen presented an oral report. The report was supported by the following materials:

1. Table titled: Chippewa County Dept. of Land Conservation & Forest Management Weighted Average of High Bids - 5/17/21, (LCFM - copy on file & attached). The table outlines the wood types marketed through the Spring, 2021, timber sale process, the weighted average by wood product type, and the % change from the accepted November, 2020, timber sale process.
2. Summary table titled: Chippewa County Forest Listing of High Bids Submitted at May 17, 2021, Bid Opening, (LCFM - Copy on file & attached). The table outlines the volume of highest bidder, and the value of the accepted bid from the Spring, 2021, timber sale.
3. Summary tables from the May 17, 2021, Timber Sale Bids for Tracts #1-21, #2-21, #3-21, #5-21, #6-21, #7-21, #8-21, #9-21, #10-21, #13-21, #14-21, #15-21, #16-21, #17-21, #18-21, #19-21, #20-21, #21-21, and #22-21, (LCFM - Copy on file & attached), outlines the specific timber sale information for each tract, as submitted by each bidder.
4. Maps and prospectuses for Tracts #1-21, #2-21, #3-21, #4-21, #5-21, #6-21, #7-21, #8-21, #9-21, #10-21, #11-21, #12-21, #13-21, #14-21, #15-21, #16-21, #17-21, #18-21, #19-21, #20-21, #21-21, and #22-21, (LCFM - Distributed 5/13/21 - copy on file & attached).

There were no bids for Tracts #4-21, #11-21, and #12-21. M. Hansen requested permission to sell these sales directly, at a minimum bid, to willing buyers.

Motion to approve the current bids plus the ability to sell (unsold tracts) at a minimum bid (directly to the operators): Steele/Hauser. Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Harold Steele, District 1 (Vice-Chair)
SECONDER:	Don Hauser, District 6
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

2. Consider Revised Agricultural Performance Standards, Manure Storage & Livestock Facility Ordinance - D. Masterpole

D. Masterpole presented an oral report. The report was supported by the following materials:

1. Correspondence from B. Panzer (President, Chippewa County Farm Bureau) to D. Masterpole (LCFM), (5/18/21), (copy on file & attached). The correspondence informed the Committee

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Land Conservation & Forest Management Committee

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that Farm Bureau members had reviewed the draft Agricultural Performance Standards, Manure Storage, and Livestock Facility Ordinance and encouraged the Committee to move forward to public hearing.

2. Working draft titled: Ordinance to Repeal and Recreate Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances; Division 3. Agricultural Performance Standards, Manure Storage and Livestock Facility Management (LCFM 5/12/21 - Distributed 5/13/21 - copy on file & attached).
3. Map titled: Groundwater Nitrate Concentrations that Exceed 10 mg/L in Proximity to Permitted Manure Storage Structures & Associated Cropland with a Nutrient Management Plan, (LCFM 7/20 - Distributed 5/13/21 - copy on file & attached).
4. Graphic titled: Staff Recommendation for Conceptual Approach to Regulate Livestock Facilities & Cropping Operations by Applying the State's Ag Nonpoint Performance Standards and Prohibitions Through Time in Chippewa County, (LCFM 3/12/21 - Distributed 5/13/21 - copy on file & attached).

There was general discussion.

Motion to move this (revised ordinance) onto the public hearing process: Pingel/Schmitt. Motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Pingel, Citizen Rep
SECONDER:	Ken Schmitt, District 3
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

7. AGENDA ITEMS FOR FUTURE CONSIDERATION

Future agenda items requested by the Committee are as follows:

1. The status of the non-metallic mining reclamation ordinance review by outside counsel.
2. The joint storm water management work plan and program costs.
3. County Forest & Trails Division special event approval.

8. ADJOURN

Motion to adjourn: Steele/Schmitt. Motion carried at 6:16 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dean Gullickson, Harold Steele
SECONDER:	Ken Schmitt, District 3
AYES:	Gullickson, Steele, Sikorski, Schmitt, Hauser, Pingel

Minutes Acceptance: Minutes of May 19, 2021 4:30 PM (Consent Agenda)



STATEMENT OF EXPLANATION
OVERVIEW OF AGRICULTURAL PERFORMANCE STANDARDS, MANURE
STORAGE & LIVESTOCK FACILITY MANAGEMENT ORDINANCE

5.1

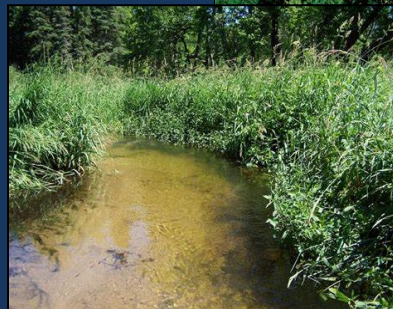
The purpose of this agenda item is to provide an overview of the public hearing draft of Article IV., Division 3 of Chapter 62 of the Chippewa County Code of Ordinances, Division 3. Agricultural Performance Standards, Manure Storage and Livestock Facility Management.

This overview will be provided using a Power Point report to explain the purpose and rational for the ordinance change, with an opportunity to receive and address questions from the public prior to the hearing.

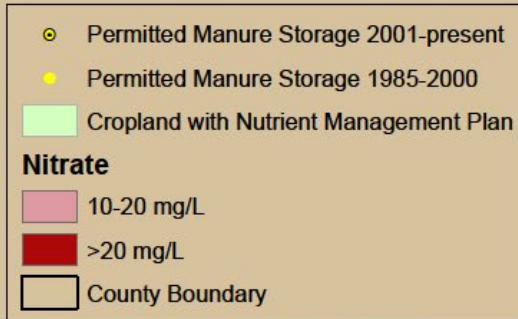
Overview of Agricultural Performance Standards, Manure Storage & Livestock Facility Management Ordinance

Public Hearing
Chippewa County LCFM Committee
6/16/21

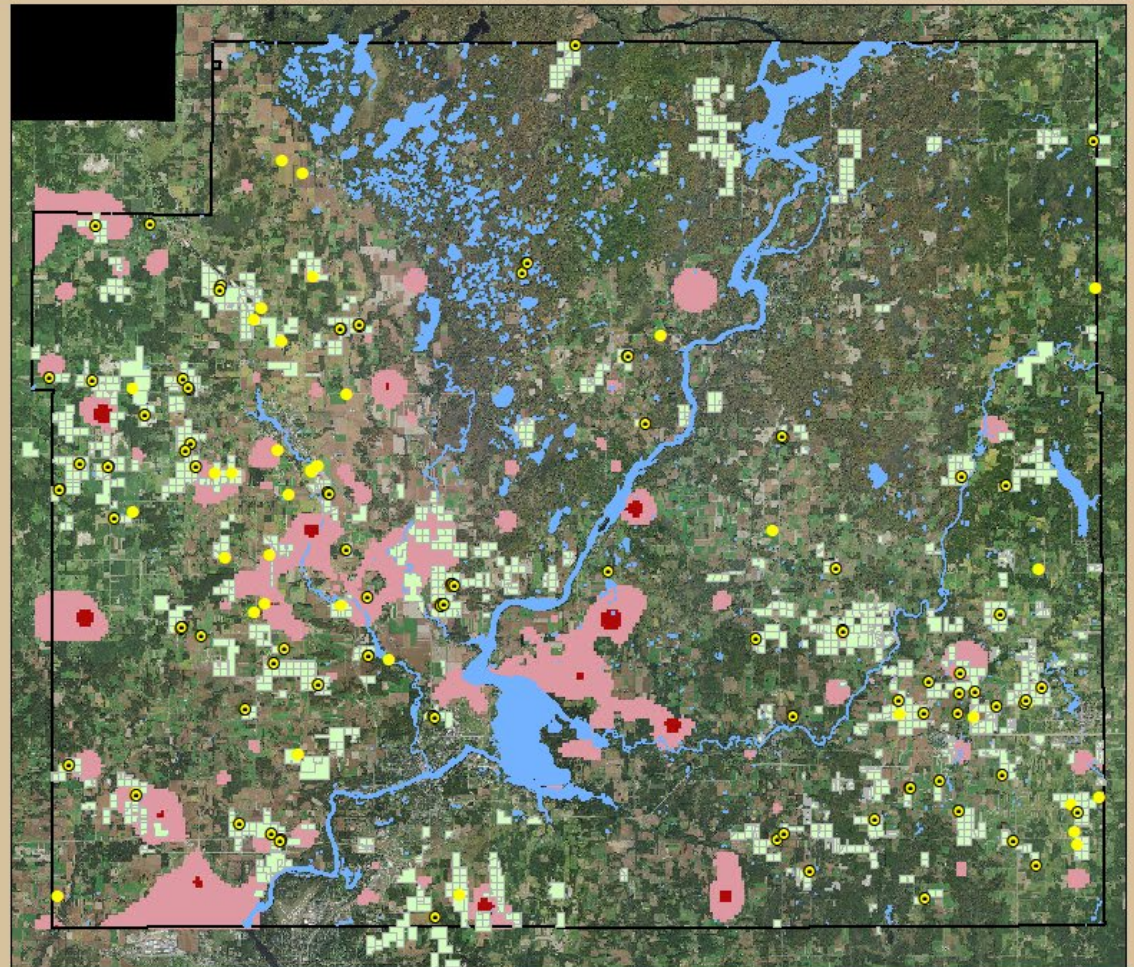
D. Masterpole



Groundwater Nitrate
Concentrations
that Exceed 10 mg/L
in Proximity to Permitted
Manure Storage Structures
& Associated Cropland with
a Nutrient Management Plan

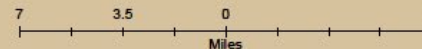


Source: Nitrate Information provided by K. Masarik, 2016 UWSP Groundwater Study



Aerial Photo 2015

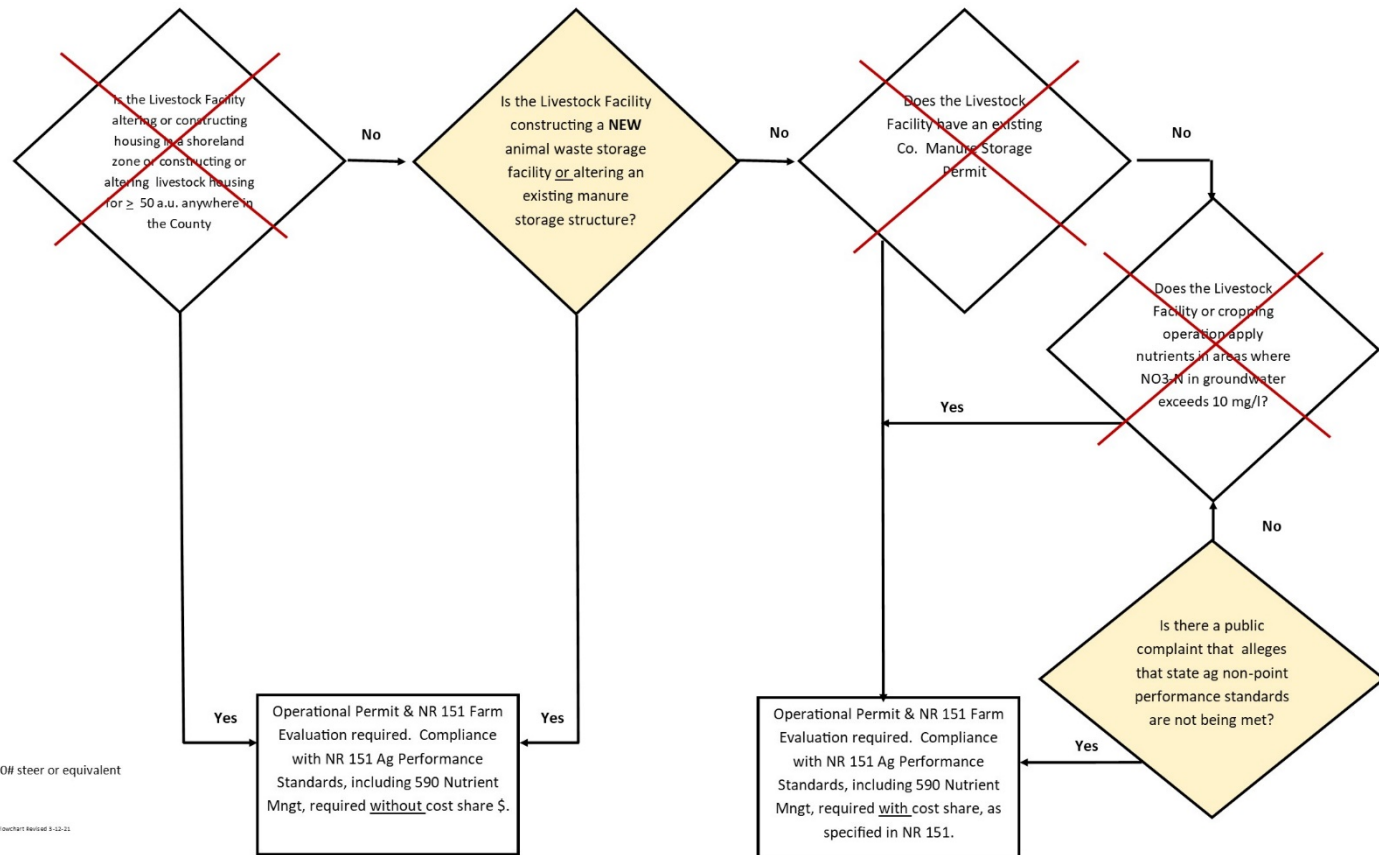
1 in = 4 miles



Document Path: H:\AGINMP\NMP Acres and NO3 Concentrations 7-2020.mxd

STAFF RECOMMENDATION FOR CONCEPTUAL APPROACH TO REGULATE LIVESTOCK FACILITIES & CROPPING OPERATIONS BY APPLYING THE STATE'S AG NONPOINT PERFORMANCE STANDARDS AND PROHIBITIONS THROUGH TIME IN CHIPPEWA COUNTY

LCFM 3/12/21



Note *-(1) animal unit = (1) 1000# steer or equivalent

A:\admin\Oz_Regulation\2018_Visitator\um\AUC Ordinance Packet\rev 3-12-21

What changed from existing Animal Waste Storage & Utilization Ordinance?

- Expanded the scope of ordinance to apply to all agricultural land, and livestock & cropping operations; with assurance of public cost-share (\$) and technical assistance, when required by State law.
- Added State agricultural performance standards & associated USDA technical standards as the basis for local regulation.
- Incorporated current process to evaluate & resolve public complaints, and added local enforcement authority.

Expanded the scope of ordinance to apply to all agricultural land, and livestock & cropping operations; with assurance of public cost-share (\$) and technical assistance, when required by State law.

Why?

- To conserve the soil & water resource base, as needed to sustain a strong ag economy.
- To protect & maintain water quality.
- To assist landowners & operators to plan for phase-in and offset costs.



Added State agricultural performance standards & associated USDA technical standards as the basis for local regulation.

Why?

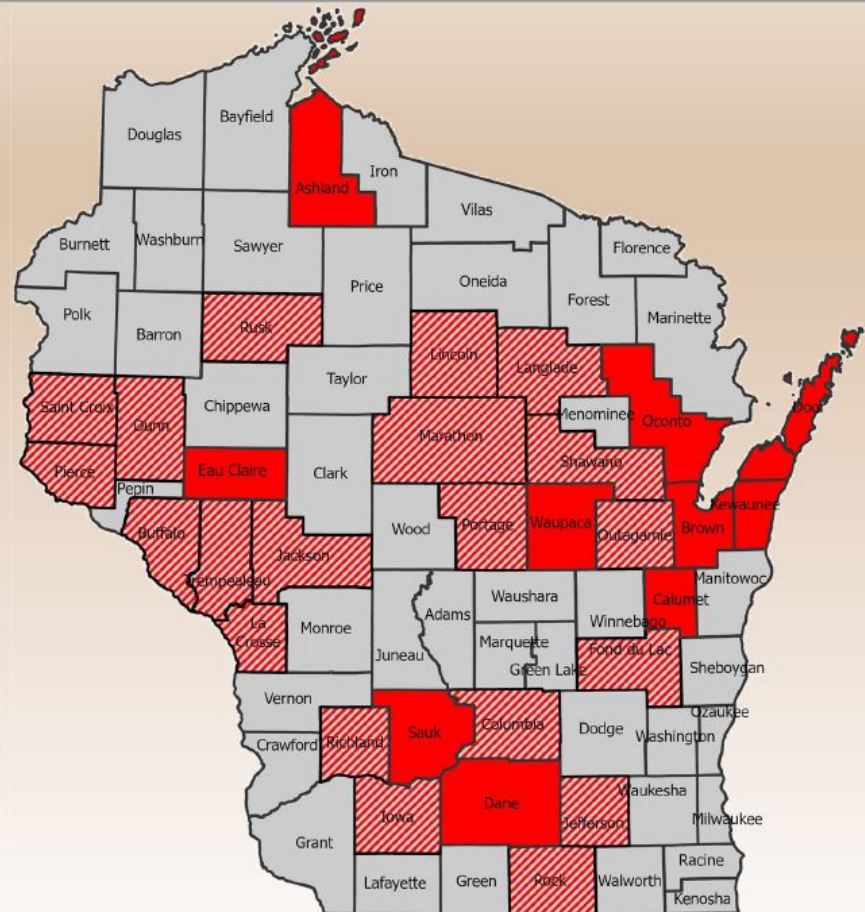
- To clearly define base expectations.
- To assure a “level playing field” among producers operating in a competitive market.

Incorporated current process to evaluate & resolve public complaints, and added local enforcement authority.

Why?

- To establish a well defined & consistent process for farm evaluations.
- To phase-in through time.
- To assure local control with elected board oversight.

County Ordinances to Enforce State Agricultural Nonpoint Performance Standards: 2020*



* Based on email survey on 2/28/2020 by Waukesha County

We would be pleased to address any questions.



ORDINANCE TO REPEAL AND RECREATE ARTICLE IV, DIVISION 3 OF CHAPTER 62 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances is hereby repealed and is recreated as follows:

DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

- Sec. 62-186. General Provisions.
- Sec. 62-187. Definitions.
- Sec. 62-188. Activities Subject to Permitting and to Regulation.
- Sec. 62-189. Dimensional Setbacks and Separation Distances
- Sec. 62-190. Performance Standards and Prohibitions.
- Sec. 62-191. Manure Storage Permits.
- Sec. 62-192. Certificate of Compliance.
- Sec. 62-193. Administration and Enforcement.
- Sec. 62-194. Violations.
- Sec. 62-195. Appeals and Variances.
- Sec. 62-196 to 62-209. Reserved.

DIVISION 3. AGRICULTURAL PERFORMANCE STANDARDS, MANURE STORAGE AND LIVESTOCK FACILITY MANAGEMENT

Sec. 62-186. General Provisions.

- (a) *Authority.* This Ordinance is adopted under authority granted by ss. 59.02, 59.03, 59.70, 92.07, 92.15, and 92.16, Wisconsin Statutes (“Wis. Stats.”), and ss. ATCP 50.40 ATCP 50.56 and NR 151.05, Wisconsin Administrative Code (“Wis. Admin. Code”).
- (b) *Title.* This Ordinance shall be known as, referred to, and may be cited as the Chippewa County Agricultural Performance Standards, Manure Storage and Livestock Facility Ordinance, and is hereinafter known as the Ordinance.
- (c) *Findings and Declaration of Policy.*
 - (1) The Chippewa County Board of Supervisors finds that agricultural operations and the ongoing production of food, fuel, and fiber are essential to the county’s economy and to the well-being of county residents.
 - (2) The Chippewa County Board of Supervisors further finds the regulation of activities identified in this Ordinance will protect and promote the county’s agricultural industry; prevent pollution of surface and groundwater; protect the health, safety, and general welfare of the people and communities within the county; preserve the health of livestock, aquatic life and other animals and plants; advance the appropriate use of land and water conservation resources within the community; and protect the property tax base of the county.

- (3) The Chippewa County Board of Supervisors further finds that the technical standards developed by the USDA Natural Resources Conservation Service (“NRCS”), and performance standards, prohibitions, and conservation practices codified by Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”) and Department of Natural Resources (“DNR”), which are adopted as part of this Ordinance, provide effective, practical, and environmentally protective methods for storage and managing manure.
- (4) The Chippewa County Board of Supervisors further finds that this Ordinance will be implemented to achieve resource management objectives for surface water and groundwater quality and agricultural nonpoint pollution control, as established in the Chippewa County Land and Water Resource Management Plan.
- (5) The Chippewa County Board of Supervisors further finds that the following conditions may threaten the county’s natural and water resources, cause harm to the health, safety, and welfare of people within the county, and adversely impact the property tax base of the county:
 - a. New and substantially altered manure storage facilities that fail to meet performance and technical standards for proper design, construction, and operation.
 - b. Existing manure storage facilities that are not properly functioning and pose unreasonable risks related to structural failure and leakage.
 - c. Existing manure storage facilities that overtop or are operated in a manner that creates an unreasonable risk of discharge to waters of state.
 - d. Existing manure storage facilities where no manure has been added or removed for a period of 24 months, and are not slated for future use.
 - e. Management of manure, including waste transfer, field stacking, and land application that fails to meet performance and technical standards for proper handling and land application of manure.
 - f. Management of livestock facilities and associated agricultural cropland and pasture that fail to meet state agricultural performance standards and prohibitions for agricultural runoff and nonpoint pollution control.
 - g. Management of agricultural cropland and pasture that fail to meet state agricultural performance standards and prohibitions for agricultural runoff and nonpoint pollution control.
- (d) *Purpose.* The purpose of this Ordinance is to: regulate the location, design, construction, installation, alteration, operation, maintenance, closure, and use of manure storage facilities; ensure the proper application of waste and manure from all manure storage facilities; and to prescribe agricultural performance standards and prohibitions for agricultural facilities, operations, and practices to control soil erosion, agricultural runoff, and nonpoint pollution from those operations.

This Ordinance codifies the agricultural performance standards and prohibitions that have been established under NR 151, Wis. Admin. Code to clarify for the benefit of the public, rural landowners, and agricultural operators the extent of agricultural management that is expected and required to control agricultural nonpoint source water pollution.

This Ordinance establishes site evaluation, cost-share, and operational reporting requirements to ensure that prescribed state agricultural performance standards are properly communicated and, if applicable, are met and maintained. This Ordinance is also intended to provide for its administration and enforcement, and to provide penalties for its violation.

- (e) *Applicability.* The permit and other requirements in this Ordinance apply to all land within the unincorporated areas of Chippewa County, unless an intergovernmental agreement is established with the governmental entity of an incorporated municipality.
- (f) *Interpretation.* In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Chippewa County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes (Stats.). This Ordinance shall be interpreted to be consistent with ch. 92 and s. 281.16, Wis. Stats. and chs. ATCP 50 and NR 151, Wis. Admin. Code.
- (g) *Abrogation, Greater Restrictions, Severability, and Repeal Clause.*
 - (1) *Abrogation and Greater Restrictions.* This Ordinance is not intended to repeal, annul, abrogate, impair, or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.
 - (2) *Severability.* Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable if any portion shall be deemed unconstitutional or invalid for any reason, and such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such decision.
 - (3) *Repeal.* All other ordinances or parts of ordinances of Chippewa County that are inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed, specifically including the Chippewa County Animal Waste Storage and Utilization Ordinance.
- (h) *Effective Date.* This Ordinance shall become effective upon its adoption by the Chippewa County Board of Supervisors, and publication.

Sec. 62-187. Definitions.

For the purpose of administering and enforcing this Ordinance, certain technical terms referenced, if not included in this section, are those defined in chs. 92 and 281, Wis. Stats., and chs. ATCP 50, NR 151, and NR 243, Wis. Admin. Code.

- (a) “Agricultural Performance Standards and Prohibitions” means those performance standards and prohibitions identified in Subchapter II of ch. NR 151, Wis. Admin. Code.

- (b) *"Applicant"* means any person who applies for a permit under this Ordinance.
- (c) *"Committee"* means the Land Conservation and Forest Management Committee, acting as the Land Conservation Committee, as the committee designated by the Chippewa County Board of Supervisors pursuant to s. 92.06, Wis. Stats.
- (d) *"Department"* means the Chippewa County Department of Land Conservation & Forest Management. The Department shall have full authority for carrying out the duties under this Ordinance, as delegated by the Committee and County Board under s. 92.09, Wis. Stats.
- (e) *"Director"* means the Director of the Chippewa County Department of Land Conservation & Forest Management.
- (f) *"DATCP"* means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (g) *"DNR"* means the Wisconsin Department of Natural Resources.
- (h) *"Direct Runoff"* has the meaning in s. NR 151.015(7), Wis. Admin. Code. The criteria in NR 151.055(3), Wis. Admin. Code, will be used to predict or determine if a discharge is significant.
- (i) *"Earthen Manure Storage Facility"* means a facility constructed of earth dikes, pits, or ponds used for temporary storage of manure and other allowed uses.
- (j) *"Livestock Facility"* means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12 month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (k) *"Manure"* means livestock excreta and the following when intermingled with excreta in normal farming operations: debris, including bedding, water, soil, hair, and feathers; processing derivatives, including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- (l) *"Manure Storage Facility"* means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing manure and related wastes. A facility includes stationary equipment and piping used to load or unload a manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff from feed storage.
- (m) *"Natural Resources Conservation Service (NRCS)"* is an agency of the United States Department of Agriculture which, for purposes of this Ordinance, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to manure storage facilities, nutrient management plans, and other technical matters covered by this Ordinance.

- (n) *"NRCS Technical Guide"* means the document, including technical notes and appendixes for the State of Wisconsin, provided by NRCS which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate, and maintain a manure storage facility, as adopted by Chippewa County in accordance with Chapter 92, Wis. Stats.
- (o) *"Nutrient Management Plan"* means any of the following:
 - (1) A plan required under s. ATPC 50.04(3) or 50.62(5) (f).
 - (2) A farm nutrient plan prepared or approved for a landowner, by a qualified nutrient management planner.

Note: A nutrient management plan must comply with s. ATPC 50.04(3)
- (p) *"Overflow"* has the meaning given in NR 151.015(15e), Wis. Admin. Code.
- (q) *"Permit"* means the signed, written statement issued under this Ordinance authorizing the applicant to construct, install, reconstruct, extend, enlarge, substantially alter, or close a manure storage facility, and to use or dispose of waste from the manure storage facility.
- (r) *"Permittee"* means any person to whom a permit is issued under this Ordinance.
- (s) *"Person"* means any individual, corporation, limited liability company, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.
- (t) *"Public Complaint"* means a verified complaint of concern that is received by Chippewa County, DATCP, or DNR that is used to determine whether there is a nonpoint water pollution discharge that results in a significant impact to waters of the state, as determined in accordance with ch. NR 243, Wis. Admin. Code, or whether the operation meets Wisconsin Agricultural Performance Standards and Prohibitions, as established under chs. NR 151 and ATPC 50, Wis. Admin. Code.
- (u) *"Safety Devices"* means devices which are designed to protect humans and livestock from the hazards associated with a manure storage facility.
- (v) *"Significant Discharge"* means a discharge of process wastewater that is determined as "significant" in accordance with the criteria in NR 151.055(3), Wis. Admin. Code.
- (w) *"Site that is susceptible to groundwater contamination"* has the meaning under NR 151.015(18), Wis. Admin. Code.
- (x) *"Stop Work Order"* means an order to cease any activity in the operation of, or construction of, an activity subject to regulation.
- (y) *"Substantially altered"* has the meaning in NR 151.015(20), Wis. Admin. Code.

- (z) *“Technical Standard 313”* is a practice standard within the Technical Guide that covers the proper location, design, construction, installation, alteration, operation, and maintenance of a manure storage facility.
- (aa) *“Technical Standard 360”* is a practice standard within the Technical Guide that covers decommissioning of facilities and/or the rehabilitation of contaminated soil in an environmentally safe manner where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
- (bb) *“Technical Standard 634”* is a practice standard within the Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of waste transfer systems.
- (cc) *“Technical Standard 590”* is a practice standard within the Technical Guide that covers managing the amount, form, placement, and timing of plant nutrients associated with organic wastes (manure and organic by-products), commercial fertilizers, legume crops and crop residues.
- (dd) *“Waste Transfer System”* means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure loading area or treatment area.
- (ee) *“Unpermitted Manure Storage Facility”* means a manure storage facility constructed, modified, or placed in use without first obtaining permit, including facilities constructed before (the first date of the adoption of this Ordinance), and may include an earthen structure or impoundment made of a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.
- (ff) *“Water Pollution”* means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.
- (gg) *“Water Quality Management Area”* or *“WQMA”* has the meaning in NR 151.015(24), Wis. Admin. Code.
- (hh) *“Waters of the State”* is the meaning specified under s. 281.01(18), Wis. Stats.

Sec. 62-188. Activities Subject to Permitting and to Regulation.

- (a) *Manure Storage Facilities.* Any person who constructs, substantially alters, changes use of or closes a manure storage facility and related transfer systems, or who employs another person to do the same is subject to the performance standards and prohibitions in Sec. 62-190 and shall be subject to the permit requirements of this Ordinance in Sec. 62-191 .
- (b) *Performance Standards and Prohibitions.* Any person who owns or operates cropland or livestock facilities in this county is subject to the performance standards and prohibitions in Sec.

62-190. This Ordinance incorporates by reference the definitions in chs. ATP 50 and NR 151, Wisconsin Admin. Code, to the extent that they are not explicitly referenced herein.

- (c) *Safety Devices.* All manure storage facilities shall be equipped with safety devices, including fences and warning signs intended to protect humans and livestock from the hazards associated with such facilities. Safety devices shall be designed and installed as required by the NRCS Technical Guide.

Sec. 62-189. Dimensional Setbacks and Separation Distances

This ordinance incorporates the existing dimensional setbacks and environmental separation distances referenced in the NRCS Technical Guide, and those established in chs. ATP 50, NR 151, and NR 243, Wis. Admin. Code.

Sec. 62-190. Performance Standards and Prohibitions.

- (a) *Purpose.* The purpose of this section is to identify the agricultural performance standards and prohibitions that apply to cropland owners and operators, and to livestock facility owners and operators after the effective date of the Ordinance, whether or not the owners or operators have received a permit under this Ordinance. This section outlines the procedures the Department will follow in implementing and enforcing these standards and prohibitions consistent with state requirements, and the circumstances under which an owner or operator of a livestock facility is required to comply with these standards and prohibitions.
- (b) *Activities Subject to Agricultural Performance Standards and Prohibitions.*
 - (1) *Livestock Manure Storage.* All owners and operators of livestock facilities shall manage livestock facilities and operations, and store manure in accordance with State agricultural performance standards and prohibitions and Secs. 62-190 sub (c) and (d), whether or not a permit has been issued under Sec. 62-191.
 - (2) *Cropland and Pastures.* All owners and operators of cropland and pastures shall manage cropland and pastures in accordance with State agricultural performance standards and prohibitions, and Sec. 62-190, whether or not a permit has been issued.
- (c) *Manure Storage Facilities Performance Standards.* (see NR 151.05 and NR 151.08, Wis. Admin. Code)
 - (1) Manure storage facilities constructed or substantially altered after October 1, 2002, shall be designed, constructed, and maintained to minimize the risk of structural failure of the facility and minimize leakage from the facility.
 - a. Storage facilities that are constructed or significantly altered shall be designed and operated to contain the additional volume of runoff and direct precipitation entering the facility as a result of a twenty-five (25)-year, twenty-four (24)-hour storm.

- b. A manure storage facility located in permeable soils or over fractured bedrock must be constructed with a liner designed in accordance with NRCS Technical Guide.
- (2) Closure of a manure storage facility shall occur when the farm where the storage facility is located ceases operation, or manure has not been added or removed from the storage facility for a period of twenty-four (24) months. Manure storage facilities shall be closed in a manner that prevents future contamination of groundwater and surface waters, and shall conform to the permit and other requirements in this Ordinance.
- (3) The owner or operator may avoid closure of a manure storage facility as required under subsection (c)(2) by demonstrating to the Department that all of the following conditions are met:
 - a. The facility is designed, constructed, and maintained in accordance with subsection (c)(1).
 - b. The facility is designed to store manure for a period of time longer than twenty-four (24) months.
 - c. Retention of the facility is warranted based on anticipated future use.
- (4) Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or closed in accordance with this Ordinance.
- (5) Manure storage facilities constructed or substantially altered after October 1, 2002, may be required to comply with Sec. 62-190 without cost-sharing.
- (6) Levels of materials in manure storage facilities may not exceed the margin of safety level as defined in NR 151.015(13g), Wis. Admin. Code.
- (7) No livestock facility in the county shall have:
 - a. Overflow of manure from storage facilities.
 - b. Direct runoff from stored manure into the waters of the state.
- (8) All owners and operators of manure storage facilities shall apply manure and nutrients to cropland according to a nutrient management plan prepared in compliance with ATPC 50.04(3), Wis. Admin. Code.
- (d) *Livestock Management Performance Standards.*
 - (1) All pastures shall be managed to achieve a soil erosion rate equal to, or less than, the "tolerable" (T) rate established for that soil (NR 151.02, Wis. Admin. Code).
 - (2) All owners and operators of pastures shall have and follow a nutrient management plan prepared in accordance with ATPC 50.04(3), Wis. Admin. Code if the pastures are

stocked at an average stocking rate of more than one animal unit per acre at all times during the grazing season, or if the pasture receives mechanical applications of nutrients (NR 151.07, Wis. Admin. Code).

- (3) Each pasture and winter grazing area covered by a nutrient management plan shall have a phosphorus index average of six (6) or less over the accounting period and may not exceed a phosphorus index of twelve (12) in any individual year within the accounting period (NR 151.04, Wis. Admin. Code).
- (4) Livestock facilities may have no significant discharge of process wastewater to waters of the state (NR 151.055, Wis. Admin. Code).
- (5) Livestock facilities shall divert runoff away from contacting feedlot, manure storage areas and barnyard areas within WQMA, except that a diversion to protect a private well under NR 151.015(18)(a), Wis. Admin. Code is required only when the feedlot, manure storage area, or barnyard area is located upslope from the private well (NR 151.06, Wis. Admin. Code).
- (6) No livestock facility shall:
 1. Have an unconfined manure pile in a WQMA.
 2. Have direct runoff from a feedlot into the waters of the state.
 3. Allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed, and maintained livestock or farm equipment crossings. (NR 151.08, Wis. Admin. Code)

(e) *Cropland Performance Standards.*

- (1) All land where crops or feed are grown shall be managed to achieve a soil erosion rate equal to, or less than, the "tolerable" (T) rate established for that soil (NR 151.02, Wis. Admin. Code).
- (2) No crop producer may conduct a tillage operation that negatively impacts stream bank integrity or deposits soil directly in surface waters (NR 151.03, Wis. Admin. Code).
- (3) No tillage operations may be conducted within five (5) to twenty (20) feet of a surface water, as specified in accordance with NR 151.03 and ATCP 50.04(4), Wis. Admin. Code.
- (4) Croplands and winter grazing areas shall average a phosphorus index of six (6) or less over the accounting period and may not exceed a phosphorus index of twelve (12) in any individual year within the accounting period (NR 151.04, Wis. Admin. Code).
- (5) All owners and operators of cropland shall apply nutrients according to a nutrient management plan prepared in accordance with ATCP 50.04(3), Wis. Admin. Code.

(f) *Implementation and Enforcement Procedures for Performance Standards and Prohibitions.*

- (1) *Procedures.* To implement and enforce the performance standards and prohibitions defined in Sec. 62-187, and referenced in Sec. 62-190, the Department shall do all of the following:

- a. Provide voluntary cost-sharing to secure compliance, when required.
- b. Follow the procedures in NR 151.09, Wis. Admin. Code to implement and enforce the performance standards for cropland in Sec. 62-190, sub (e) and the pastures standards in sub. (d), and the procedures in NR 151.095, Wis. Admin. Code, to implement and enforce the performance standards for livestock operations in Sec. 62-190(d).
- c. Pursue any other action or remedies authorized under Secs. 62-193, 62-194, and 62-195 of this Ordinance.

- (2) *Farm Evaluation.* Farm evaluations shall be scheduled with persons subject to regulation under Sec. 62-188 and with those subject to public complaint.

Farm evaluations will be conducted by the Department using standardized protocols, with opportunity for participation by the landowner and operator.

Evaluations will be conducted to:

- a. Inform the landowner and operator of the performance standards and prohibitions, and to document the extent of current compliance with NR 151.09 and NR 151.095, Wis. Admin. Code.
- b. In circumstances where there is a spill, runoff event, or direct discharge, document the occurrence as necessary, to evaluate potential impacts on waters of the state and to determine possible regulatory response and enforcement under NR 243, Wis. Admin. Code and Sec. 62-193 and Sec. 62-194.

- (3) *Cost-Sharing Required.* Pursuant to ATP 50 and NR 151, Wis. Admin. Code, the Department shall determine if a landowner of existing cropland or livestock facilities must be made a bona fide offer of cost-sharing to achieve compliance with a performance standard or prohibitions. The Department shall do all of the following, notifying the landowner regarding its determinations:

- a. Identify the specific areas in which the landowner or operator has failed to comply with the performance standards and prohibitions, and the corrective actions the landowner or operator must pursue to achieve compliance.
- b. Determine whether farmland that is out of compliance is “existing cropland” or an “existing livestock facility”. If cropland or a livestock facility has been determined to be in compliance with a performance standard or prohibition, it no longer qualifies as an “existing” cropland or facility for cost-share purposes under that performance standard. If the cropland or facility later falls out of

compliance with the performance standard, the landowner must restore compliance regardless of the availability of cost-sharing.

- c. Determine whether cost-sharing is available following the requirements of NR 151.09(4)(d) or NR 151.09(5)(d), Wis. Admin. Code, when funding is provided under s. 281.65, Stats., and use ATCP 50, Wis. Admin. Code, to determine whether cost-sharing is available when funds are from any other source.

Sec. 62-191. Manure Storage Permits.

(a) *Permit Required.*

- (1) No person may do any of the following without obtaining a permit in accordance with this section:
 - a. Construct a new manure storage facility or substantially alter an existing manure storage facility, including the construction or substantial alteration of waste transfer systems connected to a manure storage facility.
 - b. Upgrade, repair, or replace a manure storage facility that has been identified as posing an imminent threat to public health, fish and aquatic life, or groundwater under Sec. 62-187.
 - c. Close an existing manure storage facility, including conversion of its use, regardless of whether the facility must be closed in accordance with Sec. 62-190.
 - d. Change the use of the manure storage facility to store industrial, food processing, septage, or other wastes.
 - e. Operate an existing manure storage facility, permitted through this Ordinance, without a certificate of compliance issued under Sec. 62-192.
- (2) For the purposes of this section, a manure storage facility is subject to the permit requirements if:
 - a. It is intended to hold an accumulation of manure within an impoundment or enclosure that is excavated or fabricated.
 - b. It is an enclosed area for holding manure within or below a feedlot or structure for confinement of livestock.
- (3) Requirements of this Ordinance shall be in addition to any other legal requirements regulating animal waste. Specific exemptions to cost-share requirements apply to the issuance of permits. See NR 151.095(5)(b)2. and ATCP 50.54(2)(b), Wis. Admin. Code. In the case of conflict, the most stringent provisions shall apply.
- (4) A person shall be deemed to be in compliance with this section if he or she follows the application and other procedures specified in this section, receives a permit and

approval from the Department before beginning activities subject to regulation under this section, complies with the requirements of the permit, and receives any required approvals or certifications from the Department. The Department may establish a timetable for the applicant to complete required activities to ensure compliance with requirements of this Ordinance.

- (b) *Exemption to Permit Requirement.* A permit is not required for:
- (1) Routine maintenance of a manure storage facility.
 - (2) Emergency equipment repairs of a manure storage facility, if the following conditions are met:
 - a. All emergency repairs on a manure storage facility or waste transfer system which cause any disruption of the original construction of the manure storage facility shall be done so as to restore the manure storage facility to the original state, as determined by the performance standards set forth in Sec. 62-190.
 - b. Such repairs shall be reported to the Department, by the landowner, within one (1) working day of the emergency for the Department to determine whether a permit will be required for any additional alteration or repair to the manure storage facility, which shall be rendered by the Department within three (3) working days of reporting.
- (c) *Fee.* All fees under this Ordinance are established pursuant to a Fee Schedule duly adopted by the County Board/Committee & County Board throughout the County budget process. Copies of the current fee schedule are kept on file at the Department or are available from the County website at www.co.chippewa.wi.us. Permit fees shall be payable at the time of submission of a permit application. Separate fees may apply for engineering assistance provided by the Department to design a manure storage facility.
- (d) *Manure Storage Facility Construction Plan and Nutrient Management Plan Required.* Each application for a permit under Section 62-191 shall be on a form provided by the Department and include plans for the manure storage facility (including waste transfer system) and the management of manure prepared in accordance with following requirements:
- (1) A narrative of the general criteria required within Technical Standard 313, and of other applicable Technical Standards including management and site assessments. The narrative should include, but is not limited to:
 - a. The number and type of animals for which manure storage is provided, the duration for which housing or manure storage is to be provided, daily gallons and/or cubic feet of waste and manure produced, bedding type, and manure handling practices.
 - b. For manure storage, a description and construction plan of the method of transferring manure into and from the manure storage facility.

- c. For manure storage, soil test pit or boring logs and their locations with soil descriptions and test results, prepared following a soils site investigation conducted by the Department. Soil test pit or boring criteria shall follow Technical Standards 313V.A.2.b. and characterize the subsurface (soils, saturation, and bedrocks). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.
- (2) A general location map drawing of the livestock facility site which shall include:
 - a. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the proposed facility or system.
 - b. The location of any wells within two hundred fifty (250) feet of the facility.
 - c. The scale of the drawing and the north arrow with the date the general location map was prepared.
 - d. The location of any floodplains.
- (3) An engineering design drawing of the manure storage facility or waste transfer system, which shall include:
 - a. Specific design components that shall comply with Technical Standards 313, 634, and any additional applicable Technical Standards.
 - b. A recoverable benchmark(s), including elevation(s) expressed in feet and tenths.
 - c. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.
 - d. The date the engineering design drawings were prepared.
 - e. The engineering stamp of a licensed professional engineer.
- (4) The structural details, including but not limited to dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
- (5) A construction site erosion control plan.
- (6) Estimated start of construction and construction schedule.
- (7) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.

- (8) An operation and maintenance plan for installed practices.
 - (9) A nutrient management plan prepared in compliance with the requirements of this Ordinance.
 - (10) Other additional information requested by the Department to comply with this Ordinance.
- (e) *Manure Storage Closure Plan Required.* Each application for a closure permit under Sec. 62-191 shall be on a form provided by the Department and include a closure plan. The closure plan shall include:
- (1) A general location map drawing of the manure storage facility, which shall include:
 - a. The location of the manure storage facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1000) feet of the existing manure storage facility.
 - b. The scale of the drawing and the north arrow.
 - c. The date the general location map was prepared.
 - (2) A description of the method and specifications in transferring manure into and from the manure storage facility to ensure proper closure of manure transfer systems.
 - (3) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.
 - (4) Provisions to remove and properly dispose of all accumulated manure in the manure facility in compliance with applicable standards contained in the NRCS Technical Guide.
 - (5) Provisions and references to assure compliance with applicable standards contained in the NRCS Technical Guide.
 - (6) Provisions to implement safety measures to ensure the protection of the public from hazardous conditions.
 - (7) For proposals to convert the manure storage facility to an alternative use, including the storage of other water materials, a detailed description of the intended alternative use, including a site specific engineering analysis that demonstrates to the Department provides an assurance that the conversion will not result in a degradation of ground and/or surface waters or be a threat to public health, safety, or general welfare.
 - (8) Any other additional information required by the County to protect water quality and achieve compliance with the requirements of this Ordinance.

(f) *Permit Provisions.*

- (1) *Manure Storage Construction.* Permit applications under this Section 62-191 shall provide sufficient documentation to demonstrate that a new or substantially altered storage facility:
 - a. Is designed in accordance with the following technical standards:
 1. Technical Standard 313.
 2. Technical Standard 634.
 - b. Meets the performance standards in Sec. 62-190(c).
 - (2) *Manure Storage Closure.* Permit applications under sub. (e) shall provide sufficient documentation to demonstrate that the plan for manure storage facility closure meets Technical Standard 360.
 - (3) *Manure and Nutrient Management.* Nutrient management plans submitted under sub. (d) and sub. (e), if needed, shall comply with Technical Standard 590, ATCP 50.04(3), Wis. Admin. Code, and NR 151.07, Wis. Admin. Code.
 - (4) *Other Standards.* Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this Ordinance.
 - (5) *Incorporation of Standards and Specifications.* All standards and specifications are incorporated by reference and made part of this Ordinance. Any future amendment, revision, or modification of the standards or specifications incorporated herein are made a part of this Ordinance, unless the Committee specifically acts to adopt a different version. Copies of all applicable standards and specifications may be obtained from the permitting authority or on the county's website at www.chippewa.co.us.
 - (6) *Certification.* All permit applications must include a certification provided by a qualified person that designs and plans meet the technical standards and specifications in this subsection.
 - (7) *Variances.* Variances from these standards and specifications can only be granted in accordance with Sec. 62-195 of this Ordinance.
- (g) *Review of Application.* The Department shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in this Ordinance. Within forty-five (45) calendar days after receiving the completed application and fee, the Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department shall so notify the permit applicant. The Department shall have thirty (30) calendar days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval form issued by the Department.

- (h) *Permit Approval Conditions.* All permits issued under this Ordinance shall be issued subject to the following conditions and requirements.
- (1) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.
 - (2) Permittees must obtain all required permits and authorization before commencing construction activities.
- Note:* DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more animal units.
- (3) The permittee shall provide five (5) working days written notice to the Department before starting any construction activity authorized by the permit.
 - (4) Approval in writing must be obtained from the Department prior to making any changes or modifications to the approved plans and specifications.
 - (5) Following completion of construction and prior to use, an agricultural or civil engineer registered in the State of Wisconsin, or DATCP or NRCS or Department engineering practitioner and the permittee and, if applicable, the contractor, shall certify in writing on forms provided by the Department that all facilities and systems were installed as planned, including as-built dimensions and changes or modifications as authorized per sub. (h)(4) made during construction.
 - (6) The Department shall provide onsite inspection and final approval for all construction projects conducted under a permit issued under this Ordinance. To receive final approval, a manure storage facility must be fully constructed as designed, including the marking of the maximum operating level and implementation of all safety devices.
 - (7) No permitted manure storage facility may receive manure until the Department provides its final approval. No manure may be emptied from a permitted manure storage facility until the Department approves the nutrient management plan submitted by the applicant.
- (i) *Permit Implementation.* All planning and construction-related activities authorized by a permit shall be completed within two (2) years from the date of issuance after which time such permit shall be voided, unless otherwise extended by the Department.
- (j) *Permit Term and Duration.* Permits issued under this Ordinance shall extend for a period of twenty-five (25) years, and shall be subject to review and renewal under Sec. 62-191 at the end of the permit term.
- (k) *Permit Revocation.* In addition to any other actions authorized under this Ordinance, the Department may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, plan, or specification, or if the holder of the permit violates any of the conditions of the permit. The decision of the Department may be appealed to the Board of Adjustment pursuant to Sec. 62-195(a).

Sec. 62-192. Certificate of Compliance.

- (a) *Certificate of Compliance Purpose.* The purpose of a certificate of compliance is to monitor and regulate the management of manure and nutrients from agricultural operations and to assure the adequacy of related nutrient management practices.
- (b) *Certificate of Compliance Requirement.* No person may operate or use a manure storage facility permitted under Sec. 62-191 unless the person has a valid certificate of compliance for the permitted manure storage facility that is being operated or used.
- (c) *Issuance to Permitted Manure Storage Facility Owners.* The Department may issue a certificate of compliance upon the operator's compliance with performance standards and prohibitions in Sec. 62-190. The certificate of compliance shall remain in effect for as long as the manure storage facility owner or operator does all of the following:
 - (1) Updates and follows an annual nutrient management plan that complies with requirements in this Ordinance, and covers all manure that is land applied from the manure storage facility for which the certificate of compliance is issued.
 - (2) Provides a nutrient management plan checklist annually to the Department by a date specified by the Department, to document compliance with requirements of this Ordinance. The Department may require the manure storage facility owner or operator to submit the documentation to substantiate the planner's answer to one or more questions on the nutrient management checklist. The Department may take appropriate action authorized by this Ordinance if the submitted documentation does not reasonably substantiate a checklist answer.
 - (3) Properly operates the manure storage facility in accordance with performance standards and prohibitions in Sec. 62-190(c) and consistent with the recommended operating methods as defined by the NRCS Technical Guide.
 - (4) Properly maintains the manure storage facility free from visible and serious damage, erosion, or deformities that would impair the manure storage facility's safety or function as determined by the NRCS Technical Guide.
 - (5) Properly maintains the safety devices for a manure storage facility.
 - (6) Provides the Department proof of compliance with the requirements in Sec. 62-190(c) by participating in a periodic reporting and self-certification process administered by the Department, and submitting to periodic inspections of the manure storage facility upon advance notice from the Department.
 - (7) Develops and implements a plan for closure of the manure storage facility when the operator ceases use of the manure storage facility or closure is required based on conditions specified in this Ordinance.
 - (8) Provides notice to the Department and any would-be buyers at the time of real estate transfer for parcels subject to the certificate of use.

(d) *Issuance to Cropland Owners*

The Department may issue a certificate of compliance upon the cropland owner's compliance with agricultural performance standards and prohibitions in Sec. 62-190(e). The certificate shall remain in effect for as long as the cropland owner or operator does the following:

- (1) Updates and follows an annual nutrient management plan that complies with requirements in this Ordinance, and covers all manure land applied from the manure storage facility for which the certificate of compliance is issued.
- (2) Provides a nutrient management plan checklist annually to the Department by a specified date to document compliance with Ordinance requirements. The Department may require the cropland owner or operator to submit the documentation to substantiate the answer of a nutrient management planner who is qualified under ATCP 50.48, Wis. Admin. Code, to address one or more questions on the nutrient management checklist. The Department may take appropriate action authorized by this Ordinance if the submitted documentation does not reasonably substantiate a checklist answer.
- (3) Properly operates the cropland and pasture land in accordance with performance standards and prohibitions in Sec. 62-190(d) and (e).

- (e) *Certificate of Compliance Revocation.* In addition to any other actions specified under this Ordinance, the Department may revoke a certificate of use if there is a misrepresentation of any material fact in the documents submitted in connection with the certificate of compliance, a misrepresentation of any material fact in the management plan, a failure to submit required documentation or allow inspection, a condition that immediately threatens public health and safety, or for multiple or repeat violations of this Ordinance. The landowner will be immediately provided written notice of the revocation and the reasons for the revocation. No manure be added to or removed from a manure storage facility for which the certificate of compliance has been revoked.

Sec. 62-193. Administration and Enforcement.

- (a) *Delegation of Authority.* The Chippewa County Board of Supervisors hereby designates the Department to administer and enforce this Ordinance.
- (b) *Administrative Duties.* In the administration and enforcement of this Ordinance, the Director or the Director's designated representative shall:
- (1) Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made, and other official actions.
 - (2) Review permit applications and issue permits in accordance with Section 62-191 of this Ordinance.
 - (3) Conduct, or cause to conduct, reviews of the nutrient management plans and their implementations.

- (4) Conduct or cause to conduct, reviews of the nutrient management plans and their implementation.
 - (5) Implement the performance standards and prohibitions in accordance with Section 62-190 of this Ordinance.
 - (6) Review certificate applications and issue and record certificates of compliance in accordance with Section 62-192 of this Ordinance.
 - (7) Investigate complaints relating to compliance with the requirements of this Ordinance and act upon the findings in accordance with provisions of this Ordinance.
 - (8) Perform other duties as specified in this Ordinance.
- (c) *Inspection Authority.* The Director or the Director's designated representative is authorized to enter upon any lands affected by this Ordinance to inspect the land, and request records to determine compliance with this Ordinance, including inspection of sites prior to or after the issuance of a permit or certificate of compliance, and sites with unpermitted manure storage facilities. If permission cannot be received from the applicant or permittee, entry by the Director or the Director's designated representative may proceed in accordance with Sec. 66.0119, Stats. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection shall be grounds for permit denial or revocation. The Department may take any action authorized by this Ordinance to enforce this right of inspection.
- (d) *Enforcement Authority.* In addition to the authority to revoke permits and certificates of compliance specified in this Ordinance, the Director or the Director's designated representative is authorized to issue Stop Work Orders. The Director or the Director's designated representative is authorized to post an order stopping work upon land that has had a permit or certificate of compliance revoked or on land currently undergoing activity in violation of this Ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of the order stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this Ordinance. The order shall specify that the activity must cease immediately or be brought into compliance within five (5) calendar days.
- (e) *Stop Work Order Authority.* Any permit revocation or order stopping work shall remain in effect unless retracted by the Director or the Director's designated representative, the Board of Adjustment, or by a court of general jurisdiction; or until the activity is brought into compliance with this Ordinance. The Director or the Director's designated representative is authorized to refer any violation of this Ordinance or of any stop work order issued pursuant to this Ordinance to the Corporation Counsel for commencement of further legal proceedings.
- (f) *Abatement Order Authority.* The Director or the Director's designated representative may issue an order to abate any violation of this Ordinance with proper authorization. In the event an offense is not abated as ordered, the Department may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.

- (g) *NR 151 Procedures.* The Director or the Director's designated representative shall follow the procedures in Wis. Admin. Code NR 151.09, Wis. Admin. Code to implement and enforce the cropland performance standards and the procedures in NR 151.095, Wis. Admin. Code to implement and enforce the livestock performance standards.
- (h) *Citation and Referral Authority.* The Director or the Director's designated representative shall have the authority to issue citations for violations of this Ordinance. The Director or the Director's designated representative may refer a violation of this Ordinance to Corporation Counsel to pursue legal action, including but not limited to the enforcement of any part of this Ordinance through injunctions or restraining orders.
- (i) *Other Lawful Remedies.* Nothing in this section may be construed to prevent the Department from using any other lawful means to enforce this Ordinance.

Sec. 62-194. Violations.

- (a) It is unlawful for a person to violate any provisions of this Ordinance or any condition contained in a permit or certificate issued pursuant to this Ordinance.
- (b) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this Ordinance.
- (c) It is unlawful for a person to disobey, fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this Ordinance.
- (d) A separate offense is deemed committed on each day that a violation occurs or continues.
- (e) A person shall, upon conviction for a violation of this Ordinance, be subject to a forfeiture of not less than \$100.00, together with the costs in such action, and not more than \$500.00, together with the costs of such action, for each violation.

Sec. 62-195. Appeals and Variances.

- (a) *Appeals.*
 - (1) Under authority of Chapter 68, Wis. Stats., the Chippewa County Board of Adjustment, created under Section 59.69, Wis. Stats., and acting as an appeal authority under Section 59.69, Wis. Stats., is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the permitting authority in administering this Ordinance.
 - (2) Any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this Ordinance may file an appeal.
 - (3) All appeals shall specify written evidence and the reason for the request, including which requirements from this Ordinance are involved, and shall be filed via certified mail.

- (4) Upon receipt of the appeal, the Board of Adjustment shall set a meeting to hear the appeal.
 - (5) A written decision shall be mailed to the appellant within thirty (30) days of the appeal. The decision will affirm, deny, or modify the initial determination.
 - (6) The rules, procedures, duties, and powers of the Board of Adjustment shall apply to appeals filed under this section.
- (b) *Variances.*
- (1) The Board of Adjustments may, upon appeal, authorize a variance from the standards requirements of this Ordinance when, upon showing by the applicant, unnecessary hardship would result from literal enforcement of this Ordinance.
 - (2) A variance shall:
 - a. Be consistent with the spirit and purpose of this Ordinance.
 - b. Be based on unique circumstances and not to the general conditions of the area.
 - c. Not be granted for a self-created hardship.
 - d. Not permit an activity or practice that may fail structurally or otherwise, and cause significant water pollution or other off-site impacts.
 - e. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other persons.
 - f. Not be granted solely on the basis of economic gain or loss.
 - g. Not be granted solely on the fact that certain conditions existed prior to the effective date of the Ordinance.
 - (3) No variance from the standards in the Technical Guide may be approved unless the county receives a variance or waiver from the technical standards through the NRCS, or other qualified engineering authority. If public funds are involved, this may be a program requirement.
 - (4) No variance from the performance standards and prohibitions in Sec. 62-190 may be granted unless the county complies with the variance requirements specified in NR 151.097, Wis. Admin. Code, and receives approval from the Department of Natural Resources. Requests for a variance shall be made in writing and shall provide information documenting the following:
 - a. Compliance with the performance standard or technical standard is not feasible due to site conditions.

- b. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards in ch. NR 151.
- c. The landowner or operator, or their agents or assigns, did not create the conditions for which the variance is requested.

2. That this ordinance shall take effect upon passage and publication.

Forwarded to the County Board by the Land Conservation and Forest Management Committee.



STATEMENT OF EXPLANATION OPEN PUBLIC HEARING

5.2

This purpose of this agenda item is to open the public hearing on the public hearing draft of Article IV, Division 3 of Chapter 62 of the Chippewa County Code of Ordinances, Division 3. Agricultural Performance Standards, Manure Storage and Livestock Facility Management.



STATEMENT OF EXPLANATION PUBLIC COMMENT

5.3

This agenda item will be used to receive public comment on the public hearing draft of Division 3. Agricultural Performance Standards, Manure Storage and Livestock Facility Management.



**STATEMENT OF EXPLANATION
CLOSE PUBLIC HEARING.**

5.4

The public hearing will close after public comments have been received.



STATEMENT OF EXPLANATION
OVERVIEW OF CANOE PORTAGE TRAIL CIP PROJECT; STATUS UPDATE

6.1

In 2018 the LCFM Committee requested that staff investigate maintenance needs required to facilitate public use of the Townline - Knickerbocker Canoe Trail developed in 1988. LCFM staff will review the report on the status of the Townline - Little Plummer Canoe trail which resulted from the investigation of the original trail.

Report on the Status of Development of the Chippewa County Forest Canoe Portage Trail Project - 6/16/21

In 2018 the County hired Busy B Consulting to evaluate the Townline-Knickerbocker Canoe Trail which was developed in 1988 utilizing WCC labor. The initial report which was presented to the Committee detailed the current condition of the trail and the navigability of the 9 lake water routes. Due to an increase in the size and change in location of several bogs many of the lakes included in the original route were no longer navigable.

Busy B was then contracted to develop alternative routes to replace the original trail. The alternatives report was presented at the 10/16/19 LCFM Committee meeting. Two routes were outlined though only the Knickerbocker-Little Plummer route was considered sustainable and feasible for the Forest & Trails Division to maintain.

In 2020 Busy B created guidelines for launch site improvement, canoe/kayak rest construction and signage needs for the new trail. Property lines were identified and notification sent to the adjacent landowner, the State's Ice Age Center. The route into Little Plummer Lake was brushed out by F&T staff with the assistance clearing the brush from the trail by a local Boy Scout and his family.

In 2021 F&T staff will purchase and deliver to the site materials required to reconstruct the 30" and 40' boardwalks that cross a swamp allowing access to Horseshoe Lake. Staff are working to coordinate with a local Boy Scout Troup to construct the new boardwalks and remove the remnants of the old ones. If the Boy Scout assistance can't be coordinated staff time will be utilized to construct and remove boardwalks. Signs will be designed and installed according to the guidance provided in Busy B's plan.

Our goal is to have this project complete before the end of August.





STATEMENT OF EXPLANATION
OVERVIEW OF PROCESS TO ADVANCE REVISED & AMENDED NON-
METALLIC MINING RECLAMATION ORDINANCE UNDER NR 135.45;
STATUS UPDATE

The LCFM is responsible for administering and enforcing the Chippewa Co. Non-Metallic Mining Reclamation Ordinance and an associated mine reclamation program.

The Chippewa County Land and Water Resource Management Plan (2019-2026), adopted 5/14/19 by the Chippewa County Board, sets a scheduled objective to update the Non-Metallic Mining Reclamation Ordinance in 2020.

On 7/17/19, the Department of LCFM provided a Power Point report that introduced administrative guidance that has been developed over time that is being used by the County to encourage use of standardized definitions of post-mining land use, and to establish the methods and criteria used to define "reclamation success".

On 8/21/19, the Department of LCFM provided a report that introduced several changes to the Chippewa County Non-Metallic Mining Reclamation Ordinance that would incorporate this guidance.

On 9/25/19, the Department of LCFM provided a report that introduced several policy issues to be considered as part of the proposed changes to the Chippewa County Non-Metallic Mining Reclamation Ordinance.

On 10/16/19, the Department of LCFM presented and the Committee reviewed a policy paper which outlined four (4) policy issues to be addressed as the non-metallic mining reclamation is revised.

On 6/17/20, the Department of LCFM presented and the Committee reviewed a proposed schedule to update the Non-Metallic Mining Reclamation Ordinance in Quarters 3 and 4 of 2020.

On 9/16/20, the Department of LCFM presented and the Committee reviewed a Power Point that provided an update on the Non-Metallic Mining Reclamation Ordinance status and schedule, and provided examples how key changes will be applied to meet state requirements and to improve non-metallic mine reclamation.

On 10/21/20, the Department of LCFM presented and the Committee reviewed proposed revisions to the current Non-Metallic Mining Reclamation Ordinance.

On 1/20/21, the LCFM postponed this agenda item to be considered and a special meeting was scheduled for 2/24/21. The 2/24/21 meeting was subsequently canceled.

On 3/17/21, the LCFM Committee instructed Corporation Counsel to perform a legal review of the draft ordinance for language and format.

On 4/21/21, the LCFM Committee was informed that the DNR had been notified of the County's intent to update the County's Non-Metallic Mining Reclamation Ordinance under NR 135.45, and that outside counsel would be retained for legal review, prior to formal submittal to DNR.

This agenda item will be used to provide an update on the status of the outside legal review, and the formal submittal to DNR.



MEMORANDUM

TO: Roberta Walls
DNR Non-Metallic Mine Coordinator

FROM: Dan Masterpole, Dept. Director/County Conservationist 

DATE: May 27, 2021

SUBJECT: CHIPPEWA COUNTY COMMENTS ON DNR NON-METALLIC RECLAMATION PLAN GUIDANCE – APRIL, 2021

WDNR has issued draft guidance to assist regulatory authorities, as they administer ordinances and programs for non-metallic reclamation, to meet objectives of Chapter 295, Wis. Stats., and Chapter NR 135, WI Admin. Code.

As assigned the NR 135 Regulatory Authority (RA) in Chippewa County, the Department of Land Conservation & Forest Management has reviewed the draft guidance document, and offers the following comments for agency consideration.

We find the document to be well organized and structured to coincide with the structure of NR 135. This makes the document easy to use and reference.

As structured, the document provides a general overview and summary of NR 135 requirements, which will be especially valuable as a general reference for program managers and elected officials.

To improve its utility, we would recommend that the DNR continue to add additional detail that could be issued through amendments to this document through time.

Based upon our program experience, subject areas that would benefit from further detail would include:

- Section III. Reclamation Plan Requirements, C. Reclamation Measures, Item 7 - Quantifiable Revegetation Standards.
- Section III. Reclamation Plan Requirements, B. Post Mining Land Use.
- Section III. Reclamation Plan Requirements, D. Criteria for Successful Reclamation.

We will continue to communicate with DNR program managers informally as needed, and formally under NR 135.52 to seek any additional guidance that may be required to resolve issues of concern as they arise.

We appreciate the opportunity to comment.

Thank you.

DM/jls

c: LCFM Committee
R. Scholz, County Administrator
K. Clow, LCFM
T. Shutter, LCFM



**STATEMENT OF EXPLANATION
CONSIDER REQUEST TO AUTHORIZE ORIENTEERING PERMIT IN
COUNTY FOREST**

7.1

Under Section 510.2(4), the Chippewa County Forest Comprehensive Land Use Plan states: "Organized events or special uses, other than information recreation use, require specific permission from the Forest and Parks Committee".

The Minnesota Orienteering Club (MNOC) will be hosting a three (3) and eight (8) hour bike, trek, and paddle orienteering event July 10-11, 2021, in the County Forest.

This agenda item will be used to present the permit for Committee consideration.

CHIPPEWA COUNTY FOREST SPECIAL EVENT PERMIT AND AGREEMENT

This Chippewa County Forest Special Event Permit (the “Permit”) and Chippewa County Forest Special Event Agreement (the “Agreement”) (collectively, the “Permit and Agreement”) is granted to and made and entered into by and between Chippewa County, Wisconsin, through the Chippewa County Department of Land Conservation and Forest Management (the “County”) and Minnesota Orienteering Club, a Minnesota non-profit corporation (the “Permittee”), subject to following terms and conditions:

1. **Purpose.**

The purpose of this Permit and Agreement is to grant the Permittee non-exclusive use of certain Chippewa County Forest property (the “Property”) to conduct a 3 and 8 hour bike, trek and paddle orienteering event (the “Special Event”) as identified, described and depicted in Attachment A to this Permit and Agreement, which is incorporated herein by reference.

2. **Special Event Date.**

The Special Event shall start on July 10, 2021, and end on July 11, 2020, upon which time the Permit shall expire.

3. **Special Event Permit Fee.**

There shall no permit fee charged for the Special Event.

4. **Items and Structures.**

- A. The Permittee may place portable tent structures, tables for food and first aid, flagging and route signs, temporary barriers (i.e. caution tape, ribbon, lathe, etc.) and a PA system on the Property.
- B. The Permittee shall maintain an inventory of all deployed signage and temporary barriers and like material that is used for the race. Said inventory should include the location where material is deployed and an identification system that allows the Permittee, to confirm posting and removal with the County by 9:00 am on July 11, 2021.
- C. No other items or structures shall be placed on the Property without the prior, written approval of the County.

5. **Concessions.**

- A. “Concession” for the purposes of the Permit shall include the selling or giving away of goods or services.
- B. The Permittee shall be solely responsible for complying with all applicable ordinances, laws and regulations and obtaining any applicable permits with regard to any concessions that may be offered at the Special Event.

6. **Hazards, Maintenance, Trash and Recyclables.**

- A. The Permittee shall inspect the Property before the event and shall remove, eliminate or correct any unsafe or dangerous conditions or hazard. The Permittee shall maintain the area in a safe condition for the duration of the Special Event.

- B. No cutting or trimming of trees shall be performed without prior approval of the Department.
- C. No fire(s) shall be started without prior approval of the Department; if prior approval is granted, solely in grills and fire-rings provided by the Department.
- D. The Permittee shall be solely responsible for any and all clean-up of the Property, including, but not limited to, legal disposal of trash, recyclables and refuse and removal of all items and structures under Section 4. No litter shall be left on the Property by the Permittee, any Special Event participant or spectator.

7. **Compliance with Applicable Laws.**

The Permittee of the Special Event shall become familiar with, and shall at all times comply with and observe all local, state and federal laws, ordinances, rules and regulations which in any manner affect the conduct the Permittee and its employees, officers, directors and agents with regard to the Special Event.

8. **Control of Performance.**

The Permittee shall have sole control of the method, hours worked and time and manner of any performance under this permit other than as specifically provided herein. The County takes no responsibility for supervision or direction of the performance of the Permittee to be performed by the Permittee or the Permittee's employees, officers, directors and agents. The County will exercise no control over the selection and dismissal or of the Permittee's employees, officers, directors and agents.

9. **Non-Discrimination.**

The Permittee shall not discriminate against any employee, participant or applicant for employment in the Special Event because of age, race, color, sex, religion, disability, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin.

10. **Indemnification.**

The Permittee shall indemnify the County and its employees, officers, officials and agents against all claims, damages, costs and expenses including liability costs and attorney's fees arising either from the management of the Special Event or from any breach or default on the part of the Permittee in the performance of this Permit and Agreement, or from any negligence of the Permittee in the Special Event.

11. **Insurance.**

- A. The Permittee shall purchase liability insurance to be effective the dates of the Special Event and listing the County, its employees, officers, officials and agents as additional insureds in the amount of \$1,000,000.00 single limit per occurrence including \$1,000,000.00 for bodily injury, including death, and \$25,000.00 property damage.
- B. The Permittee shall furnish the County with a copy of the insurance policy or certificate of insurance no later than thirty (30) days prior to the Special Event. This permit is conditioned upon the County's approval of the insurance policy. The Permittee will immediately notify the County both verbally and in writing of any action by the insurer to cancel the insurance policy.

12. Mandatory Contacts.

The Permittee shall notify the following entities/user groups/individuals with specific details and course map of the Special Event no later than June 25, 2021:

- A. Recreation Deputy Craig Fleischhacker
Chippewa County Sheriff's Department
Email: cfleischhacker@co.chippewa.wi.us
Phone: (715) 726-7701 Ext. 2275
- B. Jeanne Fox, Treasurer
Chippewa Valley Trail Riders
Email: jeannefox227@gmail.com
Phone: (715) 577-6737
- C. Laura Plummer, Vice President
Chippewa Off Road Bike Association
Email: chippewaoffroad@hotmail.com

13. Notices.

Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States registered or certified mail, return receipt requested, postage prepaid; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows, or by electronic mail:

If to Permittee: Minnesota Orienteering Club
Attn: Peter Daniels
4635 Vincent Avenue South
Minneapolis, MN 55410
Email: pdaniels99@gmail.com

If to County: Chippewa County Department of Land Conservation & Forest Management
Attn: Matt Hansen
711 N. Bridge Street, Room 011
Chippewa Falls, WI 54729
Email: mhansen@co.chippewa.wi.us

14. Assignability.

Neither this Permit and Agreement nor any right or duty in whole or in part by the Permittee under this Permit and Agreement may be assigned, delegated or subcontracted without the prior written consent of the County.

15. **Entire Permit and Agreement.**

This Permit and Agreement, together with the requirements herein and referenced parts and attachments, shall constitute the entire Permit and Agreement and any previous communication or permit and agreement pertaining to this Permit and Agreement are hereby superseded.

16. **No Waiver.**

No failure to exercise, and no delay in exercising, any right, power or remedy hereunder on the part of the County or Permittee shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided by the County or Permittee therein. A waiver of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

17. **Termination and Modification.**

The County may terminate or modify the conditions of this Permit and Agreement at any time, except that modifications relating to time extensions must be made by an amendment to this Permit and Agreement or other written documentation, signed by the Permittee and the County at least thirty (30) days prior to the ending date of this Permit and Agreement.

18. **Non-Compliance.**

The County may consider Permittee's failure to comply with the conditions of this Permit and Agreement as adequate justification to deny any future special event applications submitted by the Permittee or its sponsoring organization.

19. **Choice of Law.**

This Permit and Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of Wisconsin.

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[SIGNATURE PAGE FOLLOWS ON NEXT PAGE]

SIGNATURE PAGE

The Permittee and the County having read and understood the entirety of this Agreement, consisting of five (5) typewritten pages and Attachment A, hereby affix their duly authorized signatures.

For County, BY:

Randy Scholz	Date
Title: County Administrator	

Matt Hansen	Date
Title: County Forest Administrator & Public Liaison	

For Permittee, BY:

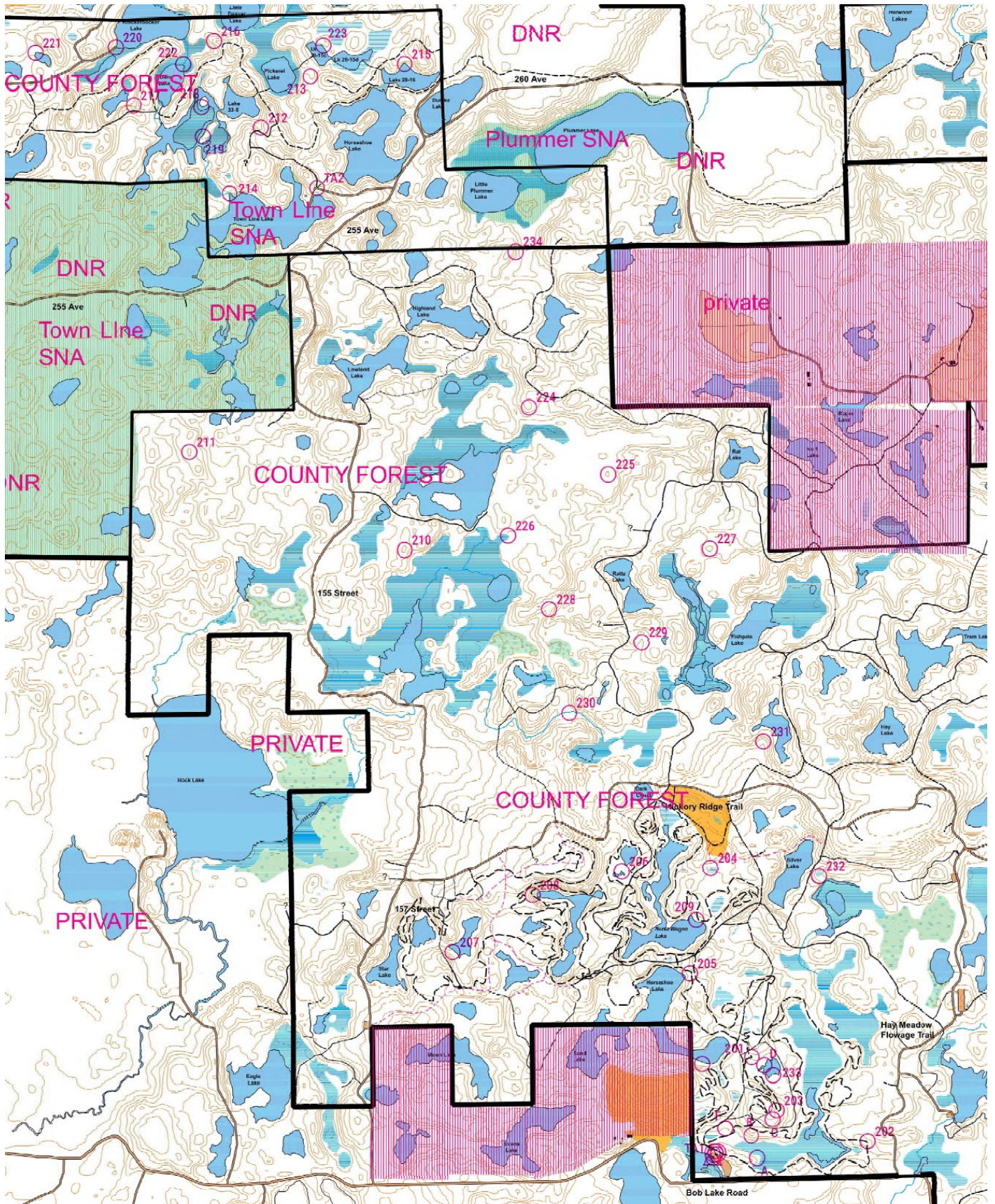
Peter Daniels	Date
Title: Vice President of Competition/Parks Liaison	

Attachment: MNOC Agreement 2021 (6402 : Consider Request to Authorize Orienteering Permit in County Forest)

Exhibit A

7.1.a

Tentative Race Map 2021 MNOC Adventure-O



Attachment: MNOC Agreement 2021 (6402 : Consider Request to Authorize Orienteering Permit in County Forest)



**STATEMENT OF EXPLANATION
CONSIDER 2022 LCFM FEE SCHEDULE**

7.2

As per the 2022 budget guidance, all departments have been directed to evaluate their capacity to apply user fees and, if necessary, adjust fees to offset service costs.

To meet this directive, the Dept. has evaluated the proportion of time spent in administering voluntary and regulatory services, and has determined that the current fee structure should be modified to better account for service costs and also adjusted for inflation.

A series of division fee schedules will be presented for committee consideration with a Dept. recommendation for committee approval.

LCFM 5/28/21

2022 Fee Schedule
General Service Fees

GENERAL SERVICE FEES		
	2021	2022
Farmland Preservation		5%
Farmland Preservation Agreement Application Processing	\$230	\$240.00
Annual Compliance Monitoring	0	0
CREP		
CREP Application Processing	\$50	\$55
Easement Development Fee	\$100	\$105
Agricultural SWRM & TRM Grant Program		
Technical Services ^①	5% cost-share	
Other Service Fees		
Late Reporting Administrative Fees ^① ②	\$60/notice	\$65/notice
Tree Planter Rental (\$50 min.)	\$40/ac.	\$40/ac.
Nitrate Well Testing Program	\$8.00	\$10
Forest & Trails Bough Permit	\$20/ton	\$20/ton

~~1. Technical service fees are charged to the landowner equal to 5% of the cost share contract and will apply to all SEG & Bond funded projects. Invoices for payment will be sent and collected upon completion of the project. This fee will not apply to TRM projects where forced labor is reimbursable for technical services provided to the Co.~~

1 ~~2-~~ Late reporting fees will be charged in circumstances where annual certification or submittal of supporting records is required, and where the material is not received by the established date. The fees will apply to all active Farmland Preservation agreements, County cost-share contracts, Agricultural Performance Standards, Manure Storage and Livestock Facility Management, and Non-Metallic Mine Reclamation permits.

H:\Finance\2022 Budget\Fees\Draft LCFM L&W Conservation Fees 2022

Attachment: Draft LCFM L&W General Fees 2022 (6399 : Consider 2022 LCFM Fee Schedule)

**2022 Fee Schedule
Animal Waste Ordinance Fees**

7.2.b

ANIMAL WASTE STORAGE & LIVESTOCK FACILITY ORDINANCE ①						
	0-649 AU		>649 AU		CAFO	
	2021	2022 5%	2021	2022 5%	2021	2022 5%
Base Permit Fee						
Application Processing	\$80	\$85	\$80	\$84	\$270	\$285
Engineering Site Evaluation ②						
Soils Investigation Base Fee ③	\$850	\$890	\$1,320	\$1,385	\$1,670	\$1,755
Additional Soil Test Pits ④ (p/pit)	\$70 p/pit	\$75 p/pit	\$70 p/pit	\$75 p/pit	\$70 p/pit	\$75 p/pit
Footprint Concept Design (optional)	\$975	\$1,025	\$1,930	\$2,025	N/A	N/A
Engineering Design (Optional) ⑤						
Animal Waste System (reception tank):						
-pre-cast structures	\$850	\$895	\$1,100	\$1,155	N/A	N/A
-standard drawings	\$1,460	\$1,535	\$2,310	\$2,425	N/A	N/A
Animal Waste Systems (manure storage)					N/A	N/A
Design Review and Inspection						
Designed by others, reviewed by LCFM ⑥	\$555	\$585	\$1,100	\$1,155	\$2,760	\$2,900
Nutrient Mgt. Plan Review & Monitoring						
Nutrient management plan review ⑦	\$180	\$190	\$240	\$250	\$555	\$585
Annual permit compliance monitoring ⑧	\$0	\$0	\$0	\$0	\$555	\$585
Late Nutrient Management Plan Submittal & Certification Fees ⑨	\$60/notice	\$60/notice	\$60/notice	\$60/notice	\$60/notice	\$60/notice

1. **Agricultural Performance Standards, Manure Storage, and Livestock Facility Management Ordinance** fees have been adjusted for 2022 assuming a 5% rate of inflation and rounded to \$5 increments.
2. 2022 fee adjustments for engineering services are based upon hourly estimates of service costs and represent a portion of total costs incurred.
3. Base fees have been established using the average number of soil test pits required for the different size categories of livestock facilities. Base fees assume up to 6 test pits for facilities with 0-649 AU, 8 test pits for facilities with 649-1000 AU, and 12 test pits for facilities > 1000 AU.
4. Additional test pits may be required to meet tech guide standards. Fees for additional test pits will be charged at \$70/pit. In circumstances where it is necessary to remobilize to conduct additional test pits that were not originally planned, a \$200 mobilization fee will be charged in addition to the standard \$70 per pit charge. **A portion of additional soil test fees or mobilization fees may be waived in circumstances where current fees fully cover County operational costs of the pit evaluation.**
5. Limited fee based engineering design services are available from the LCFM. These design services are limited to the site specific review and application of standard pre-designed and pre-approved engineered tanks and structures.
6. Design review and inspection fees apply to facility designs completed by private sector engineers or other public agencies.
7. Fees charged for annual nutrient management plan review will be assessed for all facilities subject to the Chippewa Co. **Agricultural Performance Standards, Manure Storage, and Livestock Facility Management Ordinance** that were either newly permitted, constructed, or altered after 12/31/18.
8. Annual permit compliance monitoring fees will be assessed for all C.A.F.O.'s subject to the Chippewa Co. **Agricultural Performance Standards, Manure Storage, and Livestock Facility Management Ordinance** that were either newly permitted, constructed, or altered after December 31, 2017.
9. Late reporting fees will be charged to all active Farmland Preservation agreements, County Cost-share contracts, **Agricultural Performance Standards, Manure Storage, and Livestock Facility Management Ordinance** permits, and circumstances where Non-Metallic Mine Reclamation permits, in circumstances where annual certification or submittal of supporting records is required, and where the material is not received by the established date.

Attachment: Draft LCFM Animal Waste Fees 2022 (6399 : Consider 2022 LCFM Fee Schedule)

LCFM 5/28/21

**2022 Fee Schedule
Storm Water Fees**

GENERAL SERVICE FEES		
	2021	2022
Urban Stormwater Permits ① ②		10%
Stormwater Permit Application & Permit Tracking	\$130	\$145
Residential Plan Reviews & Inspection - 3 lot CSM	\$830	\$915
Each additional lot	\$140	\$155
Commercial Plan Review & Inspection	\$2,050	\$2,255
Institutional Plan Review & Inspection	\$1,025	\$1,130
Municipal Service Fees ③		
WPDES Municipal Stormwater Program Service	\$2,565	\$2,820

1. Urban stormwater permit fees are charged to developers for engineering plan reviews and inspections conducted by the LCFM under the authority of the Chippewa County Construction Site Erosion Control & Post-Construction Stormwater Management Ordinance., as applied in the Village of L. Hallie, and the Towns of Anson, Lafayette, and Eagle Point.

Stormwater permit & plan review fees will be calculated by the Planning & Zoning Dept. using this fee schedule. A separate stormwater permit fee will be itemized and charged by the Planning & Zoning Dept. for LCFM services, with remittance conveyed to the LCFM.

These fees will be for developments that occur within the area of jurisdiction, which is limited to the Village of L. Hallie, and the Towns of Anson, Lafayette, and Eagle Point.

2. Fees for storm water plan reviews have been increased 10% from 2021 rates to account for inflation (5%) and to account for the costs of more frequent construction site inspections (5%), as required under the revised WPDES General Municipal Storm Water Permit, (5/1/19).

Staff time spent on these and other storm water related program services will be recorded in 2021 and 2022 to provide the basis for future adjustments (either up or down) to reflect operational costs.

3. Municipal service fees for 2022 have been increased 10% from 2021 rates to account for inflation (5%) and to account for the anticipated costs of conducting storm water facility inspections, outfall inspections, and maintenance of a MS4 storm water sewer map (5%). These service fees will only apply if an agreement is entered with the County to provide these services and would be adjusted at that time for each municipality based upon the scope of the services provided.

Staff time spent on these and other storm water related program services will be recorded in 2021 and 2022 to provide the basis for future adjustments (either up or down) to reflect program costs.

LCFM 5/28/21

2022 Fee Schedule
Non Metallic Mining Reclamation Ordinance
Annual Permit Fees ①-⑧

ANNUAL PERMIT FEES - GLACIAL DEPOSIT				ANNUAL PERMIT FEES - BEDROCK			
5%				5%			
Size	2021	State	2022	Size	2021	State	2022
1-5.5	\$330	35	\$345	1-5.5	\$330	35	\$345
5.6-10.5	\$650	70	\$680	5.6-10.5	\$2,020	70	\$2,120
10.6-15.5	\$985	105	\$1,035	10.6-15.5	\$2,410	105	\$2,530
15.6-25.5	\$1,345	140	\$1,410	15.6-25.5	\$7,150	140	\$7,510
25.6-35.5	\$2,055	160	\$2,160	25.6-35.5	\$8,880	160	\$9,325
35.6-45.5	\$2,495	160	\$2,620	35.6-45.5	\$9,415	160	\$9,885
45.6-55.5	\$2,860	160	\$3,005	45.6-55.5	\$10,600	160	\$11,130
55.6-65.5	\$3,825	175	\$4,015	55.6-65.5	\$13,295	175	\$13,960
65.6-75.5	\$4,160	175	\$4,370	65.6-75.5	\$15,970	175	\$16,770
75.6-95.5	\$4,880	175	\$5,125	75.6-95.5	\$18,665	175	\$19,600
95.6-115.5	\$5,660	175	\$5,945	95.6-115.5	\$21,340	175	\$22,405
115.6-135.5	\$6,430	175	\$6,750	115.6-135.5	\$30,030	175	\$31,530
135.6-155.5	\$6,850	175	\$7,190	135.6-155.5	\$33,380	175	\$35,045
155.6-175.5	\$7,265	175	\$7,630	155.6-175.5	\$36,670	175	\$38,505
175.6-195.5	\$7,690	175	\$8,075	175.6-195.5	\$40,095	175	\$42,100
195.6-215.5	\$7,715	175	\$8,100	195.6-215.5	\$43,455	175	\$45,630
215.6-250.5	\$7,765	175	\$8,155	215.6-250.5	\$48,880	175	\$51,325
250.6-300.5	\$8,120	175	\$8,525	250.6-300.5	\$53,110	175	\$55,765
300.6+	\$8,685	175	\$9,120	300.1-350		175	

Explanatory Notes:

1. Per NR 135.39, annual fees are applied on an annual basis and are based on the acres of unreclaimed disturbance.
2. Per NR 135.39, annual fees for permitted mines where non-metallic mining is permitted and approved, but where no non-metallic mining has yet taken place, are restricted. In these circumstances, a yearly administrative and environmental monitoring and permit tracking fee of \$1,000 will be charged to cover County costs for mines in bedrock and \$500 for mines in glacial deposits. The State portion of the yearly permit monitoring and tracking fee will be \$15.
3. In circumstances where a mine opens midyear, the annual fee for the following year will be increased to reflect the acres of disturbance and the number of months that the mine was active during the year the mine was opened.
4. Fee adjustments between categories may be made to credit areas being used for approved non-metallic reclamation test plots or demonstration areas, or to credit areas within the mine where successful reclamation has been completed and certified by the County.
5. Annual fees will include additional charges for nutrient management plan review and monitoring fees for permitted mines with agricultural croplands subject to nutrient management requirements.
6. Annual permit fees for bedrock mines more than 300 acres may be charged based upon the actual costs incurred by the County to monitor and assure compliance with the reclamation plan and permit.
7. In circumstances where a permit is transferred & no plan amendment is required, a \$1,000 transfer fee will be charged.
8. In addition to the listed fees, applicants shall be responsible for the payment of all reasonable legal expenses of the Land Conservation & Forest Management Committee for retaining outside expertise if needed to monitor or assure compliance with individual permit conditions, and the general requirements of the Non Metallic Mining Reclamation Ordinance.

Attachment: Draft LCFM NMM 2022 Annual Fees (6399 : Consider 2022 LCFM Fee Schedule)

2022 Fee Schedule
Non Metallic Mining Reclamation Ordinance
Plan Review Fees ①-⑩

PLAN REVIEW FEES - GLACIAL DEPOSIT		
		5%
Size (ac.)	2021	2022
0-5.5	\$750	\$790
5.6-10.5	\$1,120	\$1,175
10.6-15.5	\$1,320	\$1,385
15.6-25.5	\$1,505	\$1,580
25.6-35.5	\$2,260	\$2,375
35.6-45.5	\$2,900	\$3,045
45.6-55.5	\$3,540	\$3,715
55.6-65.5	\$4,825	\$5,065
65.6-75.5	\$5,460	\$5,735
75.6-95.5	\$7,380	\$7,750
95.6-115.5	\$8,020	\$8,420
115.6-135.5	\$8,655	\$9,090
135.6-155.5	\$9,930	\$10,425
155.6-175.5	\$11,220	\$11,780
175.6-195.5	\$12,495	\$13,120
195.6-215.5	\$13,770	\$14,460
215.6-250.5	\$15,045	\$15,800
250.6-300.5	\$16,335	\$17,150
300.6+	\$17,610	\$18,490

PLAN REVIEW FEES - BEDROCK		
		5%
Size (ac.)	2021	2022
0-5.5	\$750	\$790
5.6-10.5	\$1,120	\$1,175
10.6-15.5	\$1,320	\$1,385
15.6-25.5	\$4,065	\$4,270
25.6-35.5	\$4,475	\$4,700
35.6-45.5	\$5,110	\$5,365
45.6-55.5	\$5,750	\$6,040
55.6-65.5	\$6,385	\$6,705
65.6-75.5	\$7,020	\$7,370
75.6-95.5	\$7,655	\$8,040
95.6-115.5	\$8,320	\$8,735
115.6-135.5	\$8,945	\$9,390
135.6-155.5	\$10,220	\$10,730
155.6-175.5	\$11,495	\$12,070
175.6-195.5	\$13,095	\$13,750
195.6-215.5	\$14,700	\$15,435
215.6-250.5	\$17,890	\$18,785
250.6-300.5	\$19,170	\$20,130
300.6+		

Explanatory Notes:

1. Plan review fees are charged for initial plan reviews, and for significant plan changes.
2. Plan review fees are based upon the total anticipated area of the mine assuming the full "built out" mine scenario.
3. Proposed changes to a previously approved reclamation plan (that are proposed under an existing permit that serves to expand the permitted area or depth of the mine, or alter the scope of the operation) require a formal plan amendment and are subject to plan review. Plan review fees shall be charged based on the additional area added to the plan, or the additional time required to complete the plan review, plan amendment, and permit modification.
4. Proposed changes to a previously approved reclamation plan that involve a formal plan amendment or a permit transfer will be charged based on the total acreage of the permitted mine.
5. Plan review fees for bedrock mines more than 5 acres in size are established as base rate fees. Additional fees can be charged at a prescribed hourly rate (within any category) in circumstances where the service costs incurred by Chippewa County exceed the assigned base rate for the size category.
6. Plan review fees for bedrock mines more than 300 acres will be estimated and charged based upon the anticipated costs of time and materials to fully process the permit application.
7. In unzoned towns, public notice fees are \$100. Public hearing fees are \$500.
8. In zoned towns and areas subject to shoreland zoning, public notice and hearing fees under NR 135 will be waived, and charged at rates established by the zoning authority.
9. Mapping services are discretionary to the applicant and are offered by the LCFM as a service to assist in the development of the non metallic mine reclamation plan. The fee for GIS based paper base maps is \$200, and the fee for GIS/CAD-based base maps clipped to the site is \$1,000.
10. In addition to the listed fees, applicants shall be responsible for the payment of all reasonable expenses of the Land Conservation & Forest Management Committee for retaining outside expertise if needed to evaluate a proposed reclamation plan, develop permit conditions, or to retain legal council to meet the requirements of the Non Metallic Mining Reclamation Ord.

**Department of Land Conservation and Forest Management
Recycling Division
2022 Fee Schedule**

Appliance Fees	
Freon-Containing Appliances (Refrigerator, Freezer, Dehumidifier, Air Conditioner)	\$15
Non-Freon Appliances	FREE
Electronic Fees	
Wood TV	\$40
Plastic TV - 20" or smaller	\$10
Plastic TV - Larger than 20"	\$20
CRT Monitor	\$5
Other Electronics	FREE

Explanatory Note:

- ① The current contract with First Choice extends through December 31, 2022.
- ② Fees are set by the contract and user fees are fully paid by the recycler.

Waste Tire Fees	Residential	Business
Passenger (through 15") w/rim	\$3.50 \$6	\$5 \$9
Passenger (16-17") w/ rim	\$6 \$9	\$9 \$13
Truck (18-19") w/ rim	\$13 \$15	\$16 \$19
Truck (20-22.5") w/ rim	\$15 \$17	\$19 \$21
Truck (over 22.5") w/ rim	\$20 \$22	\$25 \$30
Skidster	\$13	\$16
Tractor (to 28) w/ rim	\$25 \$35	\$35 \$45
Tractor (over 28) w/ rim	\$40 \$55	\$50 \$65
Heavy Equipment (under 500 lbs.)	\$60	\$70
Heavy Equipment (500-700 lbs.)	\$90	\$100
Bulk Loads	\$300/ton	\$310/ton

Explanatory Note:

- ① The current contract with Liberty Tire Recycling extends through December 31, 2022.
- ② Fees are set by the contract and user fees are fully paid by the recycler.